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ABSTRACT

As part of a comprehensive study of all mandates placed by the state of Illinois on elementary and secondary education, an analysis was undertaken of the student transportation mandate in its historical perspective, inquiring into its original purpose, how well that purpose has been served, whether the mandate is still needed, and whether a differently defined or implemented mandate would yield the desired result. Research methods included review of legislative documents, telephone surveys of school districts in and out of state, and examination of statistical records on attendance and transportation costs. Based on this research, it is recommended that the current mandate be repealed, to be replaced by state reimbursement of local transportation services. The mandate's original purpose--to remove barriers to school consolidation--has largely been accomplished, and school districts willingly provide transportation whether they are covered by the mandate or not. Furthermore, the mandate does little to encourage efficiency or responsiveness to local needs. Appendixes include the text of pertinent Illinois Revised Statutes, a survey of student transportation in other states, a comparative safety chart, and the state transportation reimbursement formula. (TE)

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STUDENT TRANSPORTATION MANDATE

A REPORT
and
PRELIMINARY RECOMMENDATIONS

EA 016 253

STUDENT TRANSPORTATION MANDATE REPORT

AND

PRELIMINARY RECOMMENDATIONS

ILLINOIS STATE BOARD OF EDUCATION

Walter W. Naumer, Jr., Chairman
State Board of Education

Donald G. Gill
State Superintendent of Education

October 1983

Children walking to school in the winter on the Illinois prairie. (From the *American Monthly Review of Reviews,* vol. 26 [1902], p. 704.)

Horse-drawn van used for bringing children to a consolidated school in the Longdon District, Minnesota. (From *American Schoolhouses,* Bulletin no. 5 [1910], U.S. Bureau of Education.)

Transporting country children to a consolidated school, ca. 1904, Trumbull County, Ohio. (Ohio Historical Society.)

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I. INTRODUCTION

The Illinois State Board of Education adopted a plan in September 1981 for a comprehensive study of all mandates placed by the state on elementary and secondary education. State Superintendent Donald G. Gill was directed to implement the plan through three phases of study.

Phase I studies, addressing special education, driver education, physical education, bilingual education and the instructional programs, have been completed. The Phase II studies include compulsory attendance, student transportation, the student health mandate, student records and the school day/school year.

This report includes a review of the study methodology, an analysis of the student transportation mandate with an historical perspective, responses to the study questions, and conclusions and preliminary recommendations for action by the State Board of Education. Following public hearings, final recommendations will be presented by the State Superintendent to the Planning and Policy Committee for action and submission to the Illinois State Board of Education.

II. DESCRIPTION OF THE STUDY

Scope of the Study

This study focused on the regular student transportation mandate. Transportation services for special education students were reviewed, but that mandate was not included in the study because the services must be provided as a child's exceptionalities or program may need and are required by federal civil rights statutes. As a consequence the mandate is better addressed under the State Board's previous decision to study related services for handicapped children.

The issue of school bus safety compared with other forms of transportation was also reviewed. Data that document the comparative safety of school bus transportation are included in the appendices of the report, but it was determined that the issue need not be treated in this report.

Methodology

Available literature on the legislative and administrative history of the pupil transportation mandate was reviewed. Telephone surveys of a number of Illinois school districts as well as other states were conducted. An examination of State Board of Education statistical records on attendance and transportation costs was made to determine the relative effects of the mandate.

Internal and external documents were reviewed which included, but were not limited to, several studies made previously by State Board of Education staff, Annual Reports by the State Superintendent, legal opinions and cases, and studies made by the Illinois Department of Transportation. Also, meetings were held with the State Transportation Advisory Committee to obtain that group's perception of the student transportation program.

Data were obtained from Illinois school districts required to transport students and from districts which, though not required, choose to provide transportation services. A survey of school districts that have not made claims for state reimbursement for transporting students was also conducted.

The major questions used to guide the study of the mandates were established by the State Board of Education in its plan for the comprehensive study of mandates. These questions are:

1. What desirable condition or outcome is called for by the mandate?

   An essential step in determining the necessity of a requirement is being able to determine that it is purposeful, seeks to improve an existing condition, or creates a new and desirable condition. A mandate should be clearly directed towards an end which is stated in such a manner that its achievement can be reasonably assessed.

2. Is there evidence that in the absence of the mandate the condition or outcome will not be achieved?

   In this context, evidence may consist primarily of historical or trend data or comparisons with other states in order to determine the likelihood of success in the absence of a requirement. One major factor for consideration could be the amount of time available for implementation; that is, whether the condition needs to be met by a certain date or whether it is of such a nature that time is not the driving factor.

3. As presently defined does (can) the mandate yield the desired result?

   While measuring results may be a relatively straightforward proposition, the more complex but necessary task of determining - or attributing - cause/effect must also be undertaken. The need is to be reasonably assured that it is the mandate which yields the desired result and not other uncontrolled factors.

4. Could the mandate be defined and/or implemented differently and yield the desired result?

   The nature of the mandate and any required administrative mechanisms should be consistent with the most current and accepted research and professional experience. Regulations should be as simple and direct as possible and allow for efficient and effective use of resources.

5. Does the mandate reflect a compelling state interest?

   The state's interest in mandates can be based on such principles as equality, equity, efficiency, compliance with higher authority, or health and safety. There can also be compelling interests that reflect the state's values in terms of required activities, experiences or settings. The maintaining or establishing of mandates should be tied directly to an identifiable need of the state to cause the required activity.

III. HISTORY AND DESCRIPTION OF THE STUDENT TRANSPORTATION MANDATE

A. History of the Student Transportation Mandate

School districts in the United States have been providing student transportation since 1869 when Massachusetts passed the first law allowing the expenditure of public funds for this purpose. By 1919, student transportation, although not necessarily required by law, was provided in all states for some portion of the school population with state funding provided in some, but not all states. Providing student transportation was considered a necessary part of the consolidation and reorganization of small school districts which occurred across the nation during the late 1800s and early 1900s.

In 1904, Illinois adopted its first student transportation mandate. This law required that free transportation be provided for students residing "at a distance" from school in newly consolidated districts. There was no provision for state funding. In 1927, legislation was approved that authorized all school districts to provide transportation. This distinction, made nearly 80 years ago -- that the state required transportation services in some districts and permitted it in all others -- continues in the current law.

In 1933, still prior to the advent of state funding, a provision appeared in the law requiring districts transporting public school students to also transport nonpublic school students.

In 1939, the state made its first commitment to funding when it passed legislation initiating an Illinois student transportation reimbursement program. The reimbursement formula allowed districts to be reimbursed three-fourths of the costs, not to exceed $15 per student, for the school year ending in 1940. These funds were made available to assist mandated as well as nonmandated school districts. The 1940 Annual Report of the State Superintendent of Public Instruction stated that 458 districts, only 10% of which were required to provide services, filed claims for 24,139 pupils for $274,484. The report stated further that an additional large number of districts had provided some form of transportation, but for various reasons had made no claims to the state for financial support.

During the 1940s, a major effort was initiated by the General Assembly to address school district consolidation among the nearly 11,000 school districts then in existence in Illinois. As a consequence, two other district types were mandated to provide transportation services: community consolidated and high school consolidated school districts. These actions appear to have been designed to remove transportation as a barrier to district reorganization.

As the number of districts declined during the 1940s, student transportation services grew.

In 1957, the transportation statutes were again amended, adding to the substantive language of the mandate the one and one-half mile pupil eligibility criterion which had been in the reimbursement law since its inception in 1939. This new provision, still intact, made it clear that school districts were not required to transport students for whom the state was unwilling to pay.

The 1957 amendments also increased reimbursement to either 50% of the cost or costs based on a service population density formula, whichever was smaller. At the same time, other statutes were amended to authorize school districts to obtain local revenues by a tax levy for transportation. The 1957 amendments also added community unit school districts to those districts required to provide student transportation services, thereby completing the current list of districts required to provide transportation.

Subsequent amendments to the statutes raised the reimbursement to the present four-fifths of allowable costs (1965), provided reimbursement for transporting kindergarten students (1969), and provided for reimbursement where services were provided in response to hazardous conditions (1981).

B. Description of the Student Transportation Mandate

Section 29-3 of The School Code of Illinois (Appendix A) requires that:

> School boards of community consolidated districts, community unit districts, consolidated districts and consolidated high school districts shall provide free transportation for students residing at a distance of one and one-half miles or more from any school to which they are assigned for attendance maintained within the district except for those pupils for whom the school board shall certify to the State Board of Education that adequate transportation for the public is available.

The Illinois mandate requires four types of districts to provide transportation services: community consolidated, community unit, consolidated, and consolidated high school districts. The remaining school districts may provide services, and upon compliance with the statutory provisions are eligible to receive reimbursement.

The special nature of this mandate becomes readily apparent when one realizes that it is specifically limited to selected types of school districts. No other mandate studied thus far has had that characteristic. As a result of the mandate, including its reimbursement provisions, the school districts in the state divide into three categories:

1 - Those to which the mandate applies because of district type, which provide the required services, and which receive reimbursement;

2 - Those to which the mandate does not apply because of district type, which voluntarily provide services, and which receive reimbursement;

3 - Those to which the mandate does not apply either because of district type or because of statutorily provided exceptions, and which provide no services.

These categories are displayed in Table 1, which provides figures on students transported.

Table 1
Effects of the Mandate on Regular Transportation Services
(1981-82)

Effects	Categories of School Districts 1. Mandate Applies/ Services Provided	2. Mandate Does Not Apply/ Services Provided	3. Mandate Does Not Apply/No Services Provided
A. Number of Districts	590	359	59
B. Percent of State Total of Districts	58.5%	35.6%	5.9%
C. Number of Students Transported*	399,904	298,500	--
D. Percent of State Total Transported*	57%	43%	--
E. Percent of Students Transported within Category*	63%	31%	--

* These figures are based on public school Average Daily Attendance data.
Source: State Board of Education; 1981-82 Reimbursement Statistics.

In brief, 58% of the state's school districts transport 57% of all the public school students transported, primarily due to the mandate alone. The remaining 43% of the students transported, by 35% of the school districts, receive services primarily due to the presence of state funding and local expectations. It should also be noted that for the school districts under the mandate, the law is such that even absent state funding the services would still be required to be provided.
The following tables present figures reflecting the level of student participation in regular transportation services during the period 1972-82.

Table 2 reflects the fairly stable proportion of public and nonpublic school students being served. For the past 4-5 years approximately 40% of all public school students and 12% of all nonpublic school students have been transported annually.

Table 2
Percentage of Illinois Students
Receiving Regular Transportation Services
1972-82

Year	Public School Students Transported as a Percent of Enrollment	Nonpublic School Students Transported as a Percent of Enrollment
1981-82	39.4%	12.0%
1980-81	38.7%	12.8%
1979-80	37.6%	12.6%
1978-79	38.7%	12.2%
1977-78	41.0%	11.5%
1976-77	35.1%	11.5%
1975-76	33.5%	12.1%
1974-75	33.0%	11.2%
1973-74	32.5%	10.4%
1972-73	31.0%	9.9%

Source: Illinois State Board of Education, Transportation Claims Statistics 1972-73 to 1981-82

Table 3 summarizes regular transportation services to Illinois pupils during 1977-1982 by four service categories. Of the approximately 800,000 pupils transported annually, more than 80% are public school pupils meeting the "1 1/2 miles or more" criterion, about 6% are nonpublic school students who meet the same criterion, and another nearly 6% meet hazardous conditions criteria. The remainder, approximately 6%, are students transported solely with local resources because they meet none of the state's reimbursement criteria.

Table 3
Number of Pupils Transported in Illinois, by Service Categories
1977-1982

Service Categories	1981-82	1980-81	1979-80	1978-79	1977-78
Number residing less than 1 1/2 miles from their attendance center (non-reimbursable)	51,714	60,073	82,555	85,039	87,407
Number with hazardous conditions approval	42,762	28,138*	--	--	--
Number residing 1 1/2 miles or more from their attendance center	655,855	663,835	673,932	676,017	681,768
Number of nonpublic school pupils	45,442	45,489	44,573	43,330	42,375
TOTAL	795,773	797,535	801,060	804,386	811,550

* This was the first year that these students were reimbursable, due to the amendments which added hazardous conditions language to the law. It is reasonable to assume that similar numbers of students were previously included, for the 1977-80 years, in the first category of non-reimbursable students, which explains in substantial part the large decrease in numbers of non-reimbursable students in 1980-81.

C. Transportation Services In Other States

The states vary considerably in whether they have a transportation mandate and, for those that do, what eligibility (student and/or district) and funding factors are included in the mandate. While student transportation is mandated in more than half the states, no patterns emerge to distinguish among the states. As noted in Appendix B, among the 27 states having some form of transportation mandate, there are various statutory provisions which limit the required services. The factors which limit or determine eligibility are the age and grade of the students, whether students are attending public or nonpublic schools, distances to be traveled, the presence of available mass transit, and the presence of hazardous conditions. In some states, eligibility is determined by school district type or size of the school district.

State financial support of transportation programs varies from no state funding to full state funding. One state reimburses districts for mileage only. About one-fourth of the states' statutes have hazardous conditions language, but three states provide no state funds for these conditions. At least five states provide statutory options for parents to pay for transportation services.

Summary

This review of the student transportation mandate shows that the initial purpose of the mandate in Illinois was to encourage the consolidation of small school districts into larger districts where greater program offerings could be provided. The information also indicates that districts not subject to the mandate provided transportation services - first as authorized by the state and later with state support. Over time, the Illinois student transportation mandate developed four major components which remain in place today. These components are: a designation of which districts must provide the services, which districts may provide the services, the conditions or limits under which the services must be provided to eligible students as a condition of reimbursement, and the reimbursement formula for those services.

At the present time nearly 800,000 students are transported. More than 82% because they live a distance more than 1 1/2 miles from their schools. More than 85% of the school districts not required to provide transportation services do. Further, more than 50,000 students are transported solely at local expense. The number of students being transported because of hazardous conditions has increased 50% in the last two years.

States differ considerably in the limits and restrictions placed on student and district eligibility and funding. In no state was or is the mandate applicable to all students or all school districts within that state.

IV. ANALYSIS OF THE STUDENT TRANSPORTATION MANDATE

The following five questions, common to all of the State Board of Education mandate studies, were considered regarding the pupil transportation mandate.

1. What desirable conditions or outcomes are called for by the mandate?

Historically, the desirable condition or outcome called for by the mandate was the consolidation of Illinois school districts. The mandate was applied selectively to certain school district types in order to encourage school district consolidation. Although records are not available to indicate the direct effect of the transportation mandate as an incentive to specific school districts, the number of school districts has declined more than 90% since 1945.

The various amendments to the pupil transportation mandate since 1904 suggest strongly that other desirable conditions became of importance to the state beyond that of school district consolidation. These interests were efficiency, pupil safety, and improved pupil attendance. Through them and its general increase in state support, the state encouraged the wide development of transportation as an essentially good service for schools to provide.

2. Is there evidence that in the absence of the mandate the conditions or outcomes will not be achieved?

Since transportation is now so widespread, it no longer can be viewed as an important factor in stimulating reorganization although it undoubtedly will always be a necessary ingredient in the process. The evidence is clear that even in the absence of a mandate, transportation services were and will continue to be provided. Under Illinois statutes, 418 school districts have the option of not providing regular transportation services yet 359 (86%) of them have chosen to do so. Additionally, more than 50,000 students are transported without state reimbursement. This is clear evidence that even where the mandate does not apply, many school districts have responded to the needs and demands of their local communities for student transportation services. To the degree that better attendance has been produced by the mandate, it will continue in its absence, given the fact that districts which do not come under this mandate have chosen to comply with it.

That providing transportation is no small commitment on the part of local school districts is evidenced by several factors:

- total costs are borne by the school district in one year with state reimbursement coming a year later;
- the "80% of allowable costs" proviso means that an appreciable portion of total costs which are not included in the reimbursement formula are borne by the local school districts;

- a number of years of insufficient state appropriations resulted in local school districts absorbing a significant portion of the anticipated state reimbursement; although significantly low prorations of state funding did occur for several years in the late 1970s, the percentage of pupils transported stayed roughly the same.

- substantial sums of local resources are expended yearly for the 50,000 and more pupils who are not eligible for state funding.

3. As presently defined, does the mandate yield the desired result?

Although there is an obvious relationship between the original (1904) impetus for a transportation mandate and the types of districts included in the mandate, namely those that represented consolidation of smaller districts, the distinction of larger versus smaller geographical areas has been substantially blurred over time. There are some districts now under the mandate that cover smaller geographical areas than some districts not under the mandate.

The state's desired result relating to safety is largely achievable as the law is now defined. The law's provisions related to efficiency do contribute to that end. However, the price of that achievement may be paid by local districts which must absorb the cost of serving students ineligible for service under state law.

The interest of the state in promoting widespread development of transportation services is expressed in two parts of the law, the permissive and the mandate components. The success of the former is largely attributable to the high level of state support, while the latter, as a mandate, yields compliance but in fact appears to be unnecessary.

Discussions of student transportation frequently refer to improved attendance as a desired result of the service. In The Old Country School (1982), the author cites educators of the early 1900s on this topic: "Experience showed, the educators said, that transporting children to school had ended truancy, and increased attendance."

Accordingly, for this study an analysis was conducted in an attempt to more formally determine any relationship between transportation and attendance. The data from the analysis showed a positive relationship between transportation services and attendance rates. Districts which were mandated to provide services or provided services in the absence of the mandate had higher pupil attendance rates than those that did not.

Table 4
Average Attendance Rates
By Types of Community

	Urban		Suburban		Rural		Overall	
	No. Dists.	Att. Rate	No. Dists.	Att. Rate	No. Dists.	Att. Rate	No. Dists.	Att. Rate
Elementary Districts								
1. No Mandate/No Service	(1)	96.8	(38)	95.2	(5)	96.2	(44)	95.3
2. No Mandate/Service	(18)	95.4	(164)	95.1	(35)	96.0	(217)	95.2
3. Mandate/Service	(9)	95.7	(36)	95.1	(129)	95.9	(174)	95.8
High School Districts								
1. No Mandate/No Service	--	--	(11)	91.9	--	--	(11)	91.9
2. No Mandate/Service	(18)	94.2	(45)	92.7	(46)	94.3	(109)	93.6
3. Mandate/Service	(2)	94.3	(3)	94.3	--	--	(5)	94.3

In general, as noted above, attendance rates are higher in school districts where transportation is either mandated or provided even though not mandated. This does not imply that either the mandate or the provision of transportation services are the only factors which affect attendance rates. At least two additional factors, separately or in combination with each other, may also affect the rates: geographic area and community type.

4. Could the mandate be defined and/or implemented differently and yield the desired results?

Three alternatives considered in the course of the study are discussed below.

Alternative A: 1) extend the mandate to all local school districts based on certain criteria for the provision of services; 2) modify the reimbursement provisions to enhance local decision-making and reward efficiencies; 3) remove the requirement that certain portions of the nonpublic school population be transported.

Pro. It is a function and responsibility solely of the state to ensure that every public school student has reasonable and safe access to public schools. While it is true that some 94% of the school districts now provide transportation under state regulations, nearly 40% of those districts have the legal option of not providing transportation. If the state has a mandate, it should be uniformly applied.

Local school districts, in turn, should receive appropriate reimbursement from the state for providing services which meet the criteria of necessary access, relief from hardship and safety provisions. The state's reimbursement mechanism should also provide incentives for local efficiencies and disincentives for inefficiencies.

The requirement to transport nonpublic school students who happen to live along a regular public school route should be removed since it places an illogical condition for state reimbursement on local school districts. That is, a school district may not receive reimbursement for transporting public school students unless it also transports the eligible nonpublic school students who live along the route.

The only logical option to not removing the proviso is to require services to all nonpublic school students so that their access is not based simply on living along or near a public school transportation route.

Con. Extending the mandate to all school districts is simply another example of the state passing a law that essentially mirrors common practice and therefore is not needed. The idea is also based on the spurious notion that the state entered the transportation arena as a consequence of its interest in guaranteeing access to individual students. Neither the history of the mandate nor the manner in which it currently operates supports that premise. Therefore, to operate according to it would introduce a new and not needed purpose for state involvement. The combination of local need and the incentive of state funding has proven to be sufficient. There are no reasons to believe that common practice would change simply because reimbursement criteria might change.

While it is agreed that the state's funding should support efficiencies, it does not necessarily follow that a mandate is required. As has been demonstrated, the regulations on funding are sufficient to realize state intent even among those districts which are voluntarily providing transportation.

Finally, the provision that school districts "shall" transport nonpublic school students along the regular route is eminently reasonable. It avoids the awkward situation of having a bus pick up some students while leaving others to walk along a route the bus must use anyway. Any additional costs for this service are minimal.

Alternative B: 1) Remove the mandate to provide transportation while retaining the incentives of state support for school transportation for all school children, including those in nonpublic schools, based on need; 2) establish criteria for providing various levels of state support based on such factors as distance, age of student and efficiency; and 3) establish new parameters for nonpublic school involvement.

Pro. A singular aspect of the evidence gathered in this study provides impetus for this alternative: the mandate has not been applied uniformly. As a consequence the behavior of nearly 40% of the school districts, those who are not required to provide transportation, can be observed. The evidence is startling in that there appears to be no appreciable difference in either the scope or

quality of services between them and the school districts which are mandated. For once, it can be stated unequivocally that a condition sought by the mandate can and has been achieved in its absence. Substantial state financial support, however, in the presence of an undoubtedly strong public demand, has been a powerful, if not decisive, factor in creating this condition.

The argument for providing transportation for all students who need it stems from two basic considerations.

1. The present mandate for many years has implied that the state has concern for nonpublic school children having access to publicly supported transportation. It has long required that school districts transport such children when they live on or near an existing bus route. In fact, it introduced the requirement even before there was state funding for a program to transport public school children. The implication of this deceptively innocuous provision becomes clear when one realizes that the availability of state support for transporting public school children depends on compliance with it. The state has, in implementing this requirement, powerfully identified its interest in and obligation to children attending school under its compulsion, regardless of what school they attend. And this state concern is consistent with other areas of state law which prescribe what nonpublic school children must be taught and how their health must be protected by schools. The state has had its toe in the water through this particular mandate for fifty years. It is clearly justified in extending further services to nonpublic school children on an equitable basis.

2. The data on provision of services indicate that even in the absence of state support many children are being transported at local expense. This indicates that special and undoubtedly legitimate student needs, not now eligible for state assistance, have been addressed locally.

The acceptance of this alternative would still permit justified adjustments in distances by age of child, incentives for efficiency, i.e., varying with the level of state support, and assured access to school for children needing public school transportation.

Con. This mandate, placed upon slightly more than half of our school districts, undoubtedly created the demand for transportation that arose in those school districts not required to provide it. The presence of funds was an incentive but their presence was a consequence of the mandate. The removal of the mandate will result in at least the erosion of state support, if not its elimination. The record is clear that the permissive programs are the most vulnerable to funding reductions.

If expansion of the eligible population to include all nonpublic school children is added to this mix, it is certain that local schools will choose the alternative of skeletal programs, not eligible for state funding, but locally supportable. Fewer children will be transported, more children will walk longer distances, and access to education will decline.

The state should retain the mandate and eliminate the requirement to transport nonpublic school students because parents of such children should bear the burden of selecting a school based partially on its accessibility. Parents of public school children are not provided with a choice of attendance centers and therefore the public sector carries the obligation to see that they can get to them.

Alternative C: Require the transportation of all public and nonpublic school students who need such transportation in order to take advantage of the educational opportunities available to them within the geographic confines of the public school district of their residence.

Pro. There is a long tradition of legislative and judicial acknowledgement that the state's interest in an educated citizenry can be achieved through formal schooling provided in various settings: public schools, nonpublic schools or other locations. To ensure that students have access to the educational programs of their choice within the school district of their residence and are not prevented from participating in the program by virtue of distance, hazardous conditions, or other circumstances, publicly supported transportation services should be provided for both public and nonpublic school students on the basis of demonstrated need.

Con. Even if one accepts the premise that transportation is an important factor in ensuring access to educational programs, it is still not necessary to achieve that goal through a mandate. There is abundant evidence that local school districts transport students who need it, even in the absence of a mandate.

5. Does the mandate reflect a compelling state interest?

Historically, the state's interest has been served by using the transportation mandate in connection with school district consolidation. However, its potential as an incentive has been significantly diminished. The overwhelming majority of school districts are already transporting students. Therefore, in the present situation, the mandate can best be characterized as an expression of the state's interest in encouraging the provision of a necessary and desirable service.

This study has shown that during the past 79 years, Illinois law has been repeatedly amended to identify which children are eligible to be transported and under what conditions. Two important effects of these limitations on eligibility for funding are as follows:

- More than 50,000 students are transported each year solely at local cost because they live less than one and one-half miles from their attendance center and are not eligible for hazardous conditions reimbursement. Clearly, some local districts have identified student needs which are not allowed for in the mandate and have had to meet those needs with local resources. The 50,000 pupil group is equal to approximately 6% of the number of students transported under state transportation funding requirements.

- The single eligibility criterion for students treats all students alike. Yet, it is reasonable to assume that the needs of primary age students may be significantly different from those of secondary students.

Therefore, alternatives should be considered which, in addition to other elements, address criteria that would provide for efficient and responsive transportation services. Presently, the mandate fails to reflect:

1) Differences among students of various ages;

2) Rewards for efficient operation; and

3) The evident commitment of local school districts to provide services with state support and without a state mandate.

V. CONCLUSIONS AND PRELIMINARY RECOMMENDATIONS

Conclusions

Review and analysis of the information pertaining to the Illinois mandate on student transportation to and from schools leads to the following:

- The historical and basic purpose of the state's transportation mandate was to remove a potential barrier to the reorganization of school districts. That the mandate had an effect is not questioned. What can be questioned is the continuation of the mandate on those grounds, since the services are now so pervasive that the issue of reorganization is far more dependent on other factors.

- School districts even in the absence of a mandate have demonstrated their willingness to provide school transportation services to their communities which are not appreciably different from services provided by districts subject to the mandate. This is largely attributable to the high level of state support and strong public demand for services.

- The state's conditions for supporting student transportation services include criteria which have the effect of requiring transportation for those who may not need it while denying state support for those who do need it. Student eligibility criteria do not take into account different needs of different students. The state's interest in efficiency is not assured in this mandate.

- The state has constrained local options related to transportation services for nonpublic school students while requiring such services for some of these students.

- The state's role in student transportation should be revised to reflect the capacity of local school districts to make responsible decisions in light of local conditions and to provide state reimbursement criteria which will assure that such services are reasonable, responsive to community needs and provided in an efficient manner.

- Illinois' reimbursement formula provides no disincentives for inefficient use of resources nor any rewards for high efficiency services.

Never has the state by its actions construed its interest in this area to encompass the preservation of the right of each child to access to education. To the contrary, by limiting its mandate to only some school districts, some public and some nonpublic school children, it restricted the level of its involvement to that of encouraging transportation programs and providing limited state support for them.

Preliminary Recommendations

The following preliminary recommendations are drawn from the evidence presented in the study and the conclusions stated above. They are offered for the consideration of the State Board of Education.

It is recommended that:

A. Legislation be developed which would repeal the current mandate and introduce the following conditions for state reimbursement of locally developed transportation services.

   1. State criteria for determining student eligibility for services and school district eligibility for state funding; the state criteria should address at least the following: students' necessary access, differentiation in students' ages and abilities to get to school, relief from hardship, and safety provisions.

   2. A requirement for local school district transportation plans which meet state criteria in a manner which provides for the efficient use of state and local funds.

   3. A state funding mechanism which accommodates the differences among local school districts' transportation-related conditions, encourages creativity and efficiencies in local services, and provides disincentives for inefficiencies.

   4. Retain the provision that districts providing transportation services must make them available to nonpublic students as required in the current law; and direct the State Superintendent of Education to immediately undertake a study of ways and means to provide a more reasonable basis for determining the eligibility of the students to receive publicly supported transportation services.

B. The State Board of Education should direct the State Superintendent of Education to carefully monitor the effects of these recommendations once implemented and report back at a date certain to the Board and the General Assembly.

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APPENDICES

provided, however, the provisions of the Administrative Procedure Act shall not apply to (1) preliminary hearings, investigations or practices where no final determinations affecting State funding are made, (2) statements, guidelines or policies which do not have the force of law, and (3) legal opinions issued under Section 2-3.7.

Added by P.A. 80-890, § 1, eff. Oct. 1, 1977.

[1] Chapter 127, ¶ 1001 et seq.

ARTICLE 2. STATE BOARD OF EDUCATION—POWERS AND DUTIES

Duties of Superintendent of Public Instruction have been delegated to the State Board of Education. See ¶ 1A-4 of this chapter.

Par.

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2-3.37. Department of Urban Education.
2-3.38. Appeals.
2-3.39. Department of Transitional Bilingual Education.
2-3.40. Department for instructional television and radio materials development.
2-3.41. Chronic truants and truancy prevention.
2-3.42. Minimal competency testing.

2-1. § 2-1. Repealed by P.A. 81-1508, § 36, eff. Sept. 25, 1980.

2-2. Oath—Bond

§ 2-2. Oath—Bond. Before entering upon their duties the members of the State Board of Education shall take and subscribe the oath of office prescribed by the Constitution and execute a bond in the penalty of $25,000.00 payable to the People of the State of Illinois, with sureties to be approved by the Governor, conditioned upon the faithful discharge of their duties. Such bond and oath shall be deposited with the Secretary of State.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3. Powers and duties

§ 2-3. Powers and duties. The State Board of Education shall have the powers and duties enumerated in the subsequent sections of this article, and may delegate its authority to the State Superintendent of Education as provided in Section 1A-4.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3.1. Office—Records

§ 2-3.1. Office—Records. To have an office at the seat of government, and to keep a record of all matters pertaining to the business of such office.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3.2. Papers, reports, documents

§ 2-3.2. Papers, reports, documents. To file all papers, reports and public documents transmitted to it by the school officers of the several counties, for each year separately; and to keep all other public documents, books and papers relative to schools, coming into its hands as State Board of Education.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3.3. Supervision of public schools

§ 2-3.3. Supervision of public schools. To supervise all the public schools in the State.

2-3.4. Counsel with teachers

§ 2-3.4. Counsel with teachers. To counsel with teachers as to the best manner of conducting public schools.

2-3.5. Assist county superintendent

§ 2-3.5. Assist county superintendents. To advise and assist county superintendents of schools, addressing to them from time to time circular letters relating to the best manner of conducting schools, constructing and furnishing schoolhouses, and examining and procuring competent teachers.

2-3.6. Rules

§ 2-3. Rules. To make rules necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools in the State.

2-3.7. Legal adviser of school officers—Opinions

§ 2-3.7. Legal adviser of school officers—Opinions. To be the legal adviser of school officers, and, when requested by any school officer, to give an opinion in writing upon any question arising under the school laws of the State.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

In Class I county school units all financial reports shall be signed by the teacher, principal or superintendent of schools.

Any person who makes a false affidavit or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn or affirmed is guilty of perjury.

2-3.16. Teachers' institutes

§ 2-3.16. Teachers' institutes. To authorize the county superintendent of schools to procure such assistance as may be necessary to conduct teachers' institutes.

2-3.17. Information furnished by regional superintendents

§ 2-3.17. Information furnished by regional superintendents. To require the regional superintendent of schools to furnish the State Board with such information as it may desire to include in its report to the General Assembly.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3.18. Text materials available for inspection

§ 2-3.18. Text materials available for inspection. To keep available for public inspection the several lists of text material used in the public schools, as provided by the county superintendent of schools.

2-3.19. Reports by trustees

§ 2-3.19. Reports by trustees. To require the trustees of schools of each township to make, at any time, a report similar to that required of trustees of schools on or before July 15 next preceding each regular session of the General Assembly.

2-3.20. Reports—Special charter districts

§ 2-3.20. Reports—Special charter districts. To require annual reports from the authorities maintaining schools by authority of special charters.

2-3.21. Remission of forfeitures

§ 2-3.21. Remission of forfeitures. To remit, upon the recommendation of the county superintendent of schools or for other sufficient reasons, the forfeiture of the school fund by any township which has failed to make the reports required by law.

2-3.22. Withholding school funds or compensation of county superintendent

§ 2-3.22. Withholding school funds or compensation of county superintendent. To require the State Comptroller to withhold from the county superintendent the amount due his county from the State school fund or the county superintendent for his compensation, until the reports provided for in Sections 2-3.17 and 3-15.8 have been furnished.

Amended by P.A. 78-592, § 43, eff. Oct. 1, 1973.

2-3.23. Reports from universities, colleges, etc.

§ 2-3.23. Reports from universities, colleges, etc. To request the president, principal or other proper officer of every organized university, college, seminary, academy or other educational institution, whether incorporated or unincorporated, to submit such report as it may require, in order to lay before the General Assembly a full exhibit of the affairs and conditions of such institutions and of the educational resources of the State.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3.24. Withholding funds from school officer or teacher

§ 2-3.24. Withholding funds from school officer or teacher. To require the county superintendent of schools, trustees, township treasurer, directors or other school officer to withhold from any township, district, officer or teacher any part of the common school, township or other school fund until such treasurer, officer or teacher has made all schedules, reports and returns required of him by this Act and until such officer has executed and filed all official bonds and accounted for all common school, township or other school funds which have come into his hands.

2-3.25. Standards for schools

§ 2-3.25. Standards for schools. To determine for all types of schools conducted under this Act efficient and adequate standards for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to grant certificates of recognition to schools meeting such standards by attendance centers or school districts; to determine and establish efficient and adequate standards for approval of credit for courses given and conducted by schools outside of the regular school term.

Amended by P.A. 76-810, § 1, eff. Aug. 18, 1969.

2-3.26. Federal funds

§ 2-3.26. Federal funds. For the purpose of promoting and coordinating school programs for which federal allotments are available, to cooperate with the United States Department of Health, Education and Welfare in the establishment of such standards as may be deemed necessary by the State Board of Education, and to accept and expend federal funds made available for such purpose.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

2-3.27. Budgets and accounting practices—Forms and procedures

§ 2-3.27. Budgets and accounting practices—Forms and procedures. To formulate and approve forms, procedure and regulations for school district accounts and budgets required by this Act reflecting the gross amount of income and expenses, receipts and disbursements and extending a net surplus or deficit on operating items, to advise and assist the officers of any district in respect to budgets and accounting practices and in the formulation and use of such books, records and accounts or other forms as may be required to comply with the provisions of this Act; to publish and keep current pamphlets or manuals in looseleaf form relating to budgetary and accounting procedure or similar topics; to make all rules and regulations as may be necessary to carry into effect the provisions of this Act relating to budgetary procedure and accounting, such rules and regulations to include but not to be limited to the establishment of a decimal classification of accounts; to confer with various district, county and State officials or take such other action as may be reasonably required to carry out the provisions of this Act relating to budgets and accounting.

carried in a company licensed to write such coverage in this State.
Amended by P.A. 79-210, § 1, eff. Oct. 1, 1975.

10-22.3a. Insurance protection and benefits for employees and dependents—Salary deductions

§ 10-22.3a. To provide for or to participate in provisions for insurance protection and benefits for its employees and their dependents including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts, if any, as shall be determined by the board, for the purpose of aiding in securing and retaining the services of competent employees. Where employee participation in such provisions is involved, the board, with the consent of the employee, may withhold deductions from the employee's salary necessary to defray the employee's share of such insurance costs. Such insurance or benefits may be contracted for only with an insurance company authorized to do business in this state, or any non-profit hospital service corporation organized under the non-profit Hospital Service Plan Act[1] or incorporated under the Medical Service Plan Act.[2] Such insurance may include provisions for employees and their dependents who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination.

For purposes of this Section, the term "dependent" means an employee's spouse and any unmarried child (1) under the age of 19 years including (a) an adopted child and (b) a step-child or recognized child who lives with the employee in a regular parent-child relationship, or (2) under the age of 23 who is enrolled as a full-time student in any accredited school, college or university.
Amended by P.A. 76-26, § 1, eff. July 1, 1969.

[1] Chapter 32, ¶ 551 et seq.
[2] Chapter 32, ¶ 563 et seq.

10-22.4. Dismissal of teachers

§ 10-22.4. Dismissal of teachers. To dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause and to dismiss any teacher, whenever, in its opinion, he is not qualified to teach, or whenever, in its opinion, the interests of the schools require it, subject, however, to the provisions of Sections 24-10 to 24-15, inclusive. Temporary mental or physical incapacity to perform teaching duties, as found by a medical examination, is not a cause for dismissal. Marriage is not a cause of removal.
Amended by P.A. 79-954, § 1, eff. Oct. 1, 1975.

10-22.4a. Arbitration of disputes

§ 10-22.4a. Arbitration of disputes. The school board may enter into agreements with employees or representatives of employees to resolve disputes and grievances by binding arbitration before disinterested third parties.
Added by P.A. 82-107, § 1, eff. Aug. 1, 1981.

10-22.5. Assignment of pupils to schools—Non-resident pupils—Tuition—Race discrimination

§ 10-22.5. Assignment of pupils to schools—Non-resident pupils—Tuition—Race discrimination. To assign pupils to the several schools in the district; to admit non-resident pupils when it can be done without prejudice to the rights of resident pupils and provide them with any services of the school including transportation; to fix the rates of tuition in accordance with Section 10-20.12a, and to collect and pay the same to the treasurer for the use of the district; but no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate or require busing or other transportation of pupils for the purpose of achieving racial balance in any school.
Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

10-22.5a. Attendance by foreign exchange students and certain nonresident pupils

§ 10-22.5a. Attendance by foreign exchange students and certain nonresident pupils. To enter into written agreements with cultural exchange organizations, or with nationally recognized eleemosynary institutions that promote excellence in the arts, mathematics, or science. The written agreements may provide for tuition free attendance at the local district school by foreign exchange students, or by nonresident pupils of eleemosynary institutions. The local board of education, as part of the agreement, may require that the cultural exchange program or the eleemosynary institutions provide services to the district in exchange for the waiver of nonresident tuition.

Nonresident pupils and foreign exchange students attending school on a tuition free basis under such agreements may be counted for the purposes of determining the apportionment of State aid provided under Section 18-8 of this Act. Provided that any cultural exchange organization or eleemosynary institutions wishing to participate in an agreement authorized under this Section must be approved in writing by the State Board of Education. The State Board of Education may establish reasonable rules to determine the eligibility of cultural exchange organizations or eleemosynary institutions wishing to participate in agreements authorized under this Section. No organization or institution participating in agreements authorized under this Section may exclude any individual for participation in its program on account of the person's race, color, sex, religion or nationality.
Added by P.A. 82-597, § 1, eff. Sept. 24, 1981.

10-22.6. Suspension or expulsion of pupils

§ 10-22.6. Suspension or expulsion of pupils. (a) To expel pupils guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate.

(b) To suspend or by regulation to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, and no action shall lie against them for such suspension. The board may by regulation authorize the superintendent of the district or the princi-

pal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons. Any suspension shall be reported immediately to the parents or guardian of such pupil along with a full statement of the reasons for such suspension and a notice of their right to a review, a copy of which shall be given to the school board. Upon request of the parents or guardian the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate.

(c) The Department of Mental Health and Developmental Disabilities shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

Amended by P.A. 82-610, § 1, eff. Sept. 24, 1981.

10-22.6a. Instructions for pregnant pupils

§ 10-22.6a. To provide by home instruction, correspondence courses or otherwise courses of instruction for pupils who are unable to attend school because of pregnancy.

Added by Laws 1967, p. 1875, eff. July 20, 1967.

10-22.7. Repairs and improvements

§ 10-22.7. Repairs and improvements. To repair and improve schoolhouses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel, and to receive and review the reports of architects and engineers prescribed in Section 2-3.12 of this Act and set priorities for such recommendations set forth in the report.

Amended by P.A. 82-475, § 1, eff. Sept. 15, 1981; P.A. 82-597, § 1, eff. Sept. 24, 1981.

The amendments by P.A. 82-475 and P.A. 82-597 were identical. Final legislative action, 82nd General Assembly:

P.A. 82-475—June 24, 1981

P.A. 82-597—July 1, 1981

See Ill.Rev.Stat. ch. 1, ¶ 1105 as to the effect of (1) more than one amendment of a section at the same session of the General Assembly or (2) two or more acts relating to the same subject matter enacted by the same General Assembly.

10-22.8. Sale of personal property

§ 10-22.8. Sale of personal property. To sell at public or private sale any personal property belonging to the school district, and not needed for school purposes.

10-22.9. Special holidays

§ 10-22.9. Special holidays. To grant special holidays, but no deduction shall be made from the time or compensation of a teacher on account of such days.

10-22.10. Control and supervision of school houses and school grounds

§ 10-22.10. Control and supervision of school houses and school grounds. To have the control and supervision of all public schoolhouses in their district, and to grant the temporary use of them, when not occupied by schools, for religious meetings and Sunday schools, for evening schools and literary societies, and for such other meetings as the board deems proper; to grant the use of assembly halls and class rooms when not otherwise needed, including light, heat and attendants, for public lectures, concerts, and other educational and social interests, under such provisions and control as they may see fit to impose; to grant the use of school grounds under such provisions and control as they may see fit to impose and to conduct, or provide for the conducting of recreational, social and civic activities in the school buildings or on the school grounds or both.

Amended by Laws 1967, p. 264, eff. July 1, 1967.

10-22.11. Lease of school property

§ 10-22.11. Lease of school property. (a) To lease school property to another school district, municipality or body politic and corporate for a term of not to exceed 25 years, except as otherwise provided in this Section, and upon such terms and conditions as may be agreed if in the opinion of the school board use of such property will not be needed by the district during the term of such lease; provided, the school board shall not make or renew any lease for a term longer than 10 years, nor alter the terms of any lease whose unexpired term may exceed 10 years without the vote of ⅔ of the full membership of the board.

(b) Whenever the school board considers such action advisable and in the best interests of the school district, to lease vacant school property for a period not exceeding 51 years to a private not for profit school organization for use in the care of the trainable and educable mentally handicapped persons in the district or in the education of the gifted children in the district. Before leasing such property to a private not for profit school organization, the school board must adopt a resolution for the leasing of such property, fixing the period and price therefor, and order submitted to referendum at an election to be held in the district as provided in the general election law, the question of whether the lease should be entered into. Thereupon, the secretary shall certify to the proper election authorities the proposition for submission in accordance with the general election law. If the majority of the voters voting upon the proposition vote in favor of the leasing, the school board may proceed with the leasing. The proposition shall be in substantially the following form:

Shall School District No. ..... of ..... County, Illinois lease to ..... (here name and identify the lessee) the following described vacant school property (here describe the property) for a term of ..... years for the sum of ..... Dollars?	YES	
	NO	

This paragraph (b) shall not be construed in such a manner as to relieve the responsibility of the Board of Education as set out in Article 14 of the School Code.[1]

(c) To lease school buildings to suitable lessees for educational purposes or for any other purpose which serves the interests of the community, for a term not to exceed 10 years and upon such terms and conditions as may be agreed upon by the parties, when such buildings are declared by

assessed by the Department of Revenue for such purpose, and the maximum rate for such purpose shall not exceed 1.60%. Such amount shall be certified and returned to the county clerk on or before the last Tuesday in September of each year. The certificate shall be signed by the president and the secretary of the board and may be in the following form:

CERTIFICATE OF TAX LEVY

We hereby certify that we require the sum of ..... dollars to be levied as a special tax to pay the tuition of graduates of the eighth grade residing in the nonhigh school district of ..... County, on the equalized assessed valuation of the taxable property of our nonhigh school district.

Signed this ..... day of ....., 19....

A..... B....., President

C..... D....., Secretary

A failure to certify and return the certificate of tax levy to the county clerk in the time required shall not vitiate the assessment.

Amended by P.A. 77-1174, § 1, eff. Aug. 17, 1971; P.A. 81-1489, § 119, eff. Dec. 1, 1980; P.A. 81-1509, Art. IV, § 130, eff. Sept. 26, 1980.

P.A. 81-1489 made changes to conform to the statutory consolidation of elections.

Article IV of P.A. 81-1509 was the 1980 State Government Reorganization Revisory Act.

Final legislative action, 81st General Assembly:

P.A. 81-1489 - June 27, 1980

P.A. 81-1509 - June 30, 1980

See Ill.Rev.Stat. ch. 1, ¶ 1105 as to the effect of (1) more than one amendment of a section at the same session of the General Assembly or (2) two or more acts relating to the same subject matter enacted by the same General Assembly.

12-11.2. Orders for payment of tuition

§ 12-11.2. Orders for payment of tuition. Issue orders on the county treasurer for the payment of the tuition of eighth-grade graduates residing within the non-high school district attending a recognized high school, provided such attendance is certified to the board by the board of education of the high school attended. Such orders shall be payable out of any funds belonging to the district.

12-11.3. Reports

§ 12-11.3. Reports. Make such reports as may be required by the State Board of Education and by the regional superintendent of schools.

Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

12-11.4. § 12-11.4. Repealed by P.A. 81-1490, § 21, eff. Dec. 1, 1980.

12-11.5. Transportation of pupils

§ 12-11.5. Transportation of pupils. If in the discretion of the board of education sufficient moneys of the district are available after payment of the other expenses of the district, including tuition, may provide free transportation for the pupils of their district not living within one and one-half miles of a high school which they may lawfully attend to the most convenient high school which such pupils may lawfully attend under the provisions of this Act, or reimburse pupils living in a portion of such district which cannot be reached by bus or train for the reasonable cost of their transportation, or for the amount necessarily expended by them for transportation in attending a high school approved by such board.

12-12. Anticipation warrants

§ 12-12. Anticipation warrants. When there is no money in the treasury of any non-high school district to defray the necessary expenses of the district, including amounts necessary to pay maturing principal and interest of bonds, the board of education may issue warrants or may provide a fund to meet the expenses by issuing and disposing of warrants drawn against and in anticipation of any taxes levied for the payment of such expenses, either for educational or building purposes or for the payment of maturing principal and interest of bonds, to the extent of 85% of the total amount of the tax so levied. The warrants shall show upon their faces that they are payable, in the numerical order of their issuance, solely from such taxes when collected, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and such taxes shall be set apart and held for their payment.

Every warrant shall bear interest payable only out of the taxes against which it is drawn, at the rate of not more than 7% per annum for warrants issued before January 1, 1972 and not more than 6% per annum for warrants issued after January 1, 1972, from the date of its issuance until paid or until notice is given by publication in a newspaper or otherwise that the money for its payment is available and that it will be paid on presentation, unless a lower rate of interest shall be specified therein, in which case the interest shall be computed and paid at the lower rate.

Amended by P.A. 81-165, § 26, eff. Aug. 11, 1979.

12-13. Bond issue—Resolution—Election

§ 12-13. Bond issue—Resolution—Election. If there has been a delay in the extension and collection of taxes levied by the governing body of any nonhigh school district caused by a reassessment of real property therein, the district may issue bonds for the purpose of paying unpaid tuition claims or other claims against it.

Before any nonhigh school district issues any such bonds the board of education shall examine and consider the claims proposed to be paid, and if it appears that they were authorized and allowed for proper nonhigh school purposes, it shall adopt a resolution so declaring and set forth and describe in detail such claims. The adoption of the resolution shall establish the validity thereof. The resolution shall also declare the intention of the nonhigh school district to issue bonds for the purpose of paying such claims and direct that notice of such intention be published at least once in a newspaper published and having a general circulation in the district, if there be one, but if there is no newspaper published in such district then by publishing such notice in a newspaper having a general circulation in the district or if no newspaper is published in the district in one or more newspapers with a general circulation in the district. If within 10 days after the publication a petition is filed with the recording officer of the district, signed by not less than 20% of the voters thereof, requesting that the proposition to issue the bonds be submitted to the voters thereof, then such district shall not be authorized to issue them until either the petition has been determined to be invalid or insufficient or the proposition has been submitted to and approved by a majority of the voters voting

Article who are residents of their school district, and such children, residents of other school districts as may be authorized by this Article.

All such school boards shall place or by regulation may authorize the director of special education to place, pursuant to procedures required by this Act and rules and regulations promulgated by the State Board of Education, eligible children into special education programs designed to benefit handicapped children defined in Sections 14-1.02 through 14-1.07 of this Act.

Amended by P.A. 80-1403, § 1, eff. Aug. 25, 1978; P.A. 81-1053, § 1, eff. Jan. 1, 1980.

14-5. § 14-5. Repealed by Laws 1965, p. 1948, eff. July 21, 1965.

14-5.01. Application of Article

§ 14-5.01. Application of Article. This Article applies to school boards of all types and sizes of school districts, including but not limited to special charter districts, community consolidated school districts, community unit school districts, consolidated school districts, high school districts, non-high school districts, community high school districts, and districts exceeding 500,000 inhabitants.

Added by Laws 1965, p. 1948, eff. July 21, 1965.

14-6. § 14-6. Repealed by Laws 1965, p. 1948, eff. July 21, 1965; P.A. 76-869, § 1, eff. Aug. 19, 1969.

14-6.01. Powers and duties of school boards

§ 14-6.01. Powers and duties of school boards. School boards of one or more school districts establishing and maintaining any of the educational facilities described in this Article shall, in connection therewith, exercise similar powers and duties as are prescribed by law for the establishment, maintenance and management of other recognized educational facilities. Such school boards shall include only eligible children in the program and shall comply with all the requirements of this Article and all rules and regulations established by the State Board of Education. Such school boards shall accept in part-time attendance handicapped children of the types described in Sections 14-1.02 through 14-1.07 who are enrolled in nonpublic schools. A request for part-time attendance must be submitted by a parent or guardian of the handicapped child and may be made only to those public schools located in the district where the child attending the nonpublic school resides; however, nothing in this Section shall be construed as prohibiting an agreement between the district where the child resides and another public school district to provide special educational services if such an arrangement is deemed more convenient and economical. Special educational services shall be provided to such students as soon as possible after the identification, evaluation and placement procedures provided in Section 14-8.02, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for students in part time attendance shall be provided only if required in the child's individualized educational program on the basis of the child's handicapping condition or as the special education program location may require.

Effective July 1, 1966, high school districts are financially responsible for the education of handicapped pupils resident in their districts when such pupils have reached age 15 but may admit handicapped children into special educational facilities without regard to graduation from the eighth grade after such pupils have reached the age of 14½ years.

Any district maintaining a recognized high school is authorized to issue certificates of graduation to handicapped pupils completing special educational programs approved by the State Board of Education.

Amended by P.A. 80-1509, § 1, eff. Jan. 9, 1979; P.A. 81-608, § 1, eff. Sept. 14, 1979.

14-7. § 14-7. Repealed by Laws 1965, p. 1948, eff. July 21, 1965.

14-7.01. Children attending classes in another district

§ 14-7.01. Children attending classes in another district. If a child, resident of one school district, because of his handicap, attends a class or school for any of such types of children in another school district, the school district in which he resides shall grant the proper permit, provide any necessary transportation, and pay to the school district maintaining the special educational facilities the per capita cost of educating such children.

Such per capita cost shall be computed in the following manner. The cost of conducting and maintaining any special educational facility shall be first determined and shall include the following expenses applicable only to such educational facility under rules and regulations established by the State Board of Education as follows:

(a) Salaries of teachers, professional workers, necessary non-certified workers, clerks, librarians, custodial employees, readers, and any district taxes specifically for their pension and retirement benefits.

(b) Educational supplies and equipment including textbooks.

(c) Administrative costs and communication.

(d) Operation of physical plant including heat, light, water, repairs, and maintenance.

(e) Auxiliary service, not including any transportation cost.

(f) Depreciation of physical facilities at a rate of $200 per pupil. From such total cost thus determined there shall be deducted the State reimbursement due on account of such educational facility for the same year, not including any State reimbursement for special education transportation. Such net cost shall be divided by the average number of pupils in average daily attendance in such special education facility for the school year in order to arrive at the net per capita tuition cost.

If the child, resident of any school district, because of his handicap, attends a class or school for any of such types of children maintained in a teacher training center supported by public funds or State institution of higher learning, the resident district shall provide any necessary transportation and shall be eligible to the transportation reimbursement provided in Section 14-13.01.

A resident district may, upon request, provide transportation for residents of the district who meet the requirements, other than the specified age, of handicapped children as defined in Section 14-1.02, who attend classes in another district, and shall make a charge for any such transportation in an amount equal to the cost thereof, including a reasonable allowance for depreciation of the vehicles used.

Amended by P.A. 81-1053, § 1, eff. Jan. 1, 1980.

14-7.02. Children attending private schools, public out-of-state schools or private special education facilities

§ 14-7.02. Children attending private schools, public out-of-state schools or private special education facilities. The General Assembly recognizes that non-public schools or special education facilities provide an important service in the educational system in Illinois. If because of his or her handicap the special education program of a district is unable to meet the needs of a child and the child attends a non-public school or special education facility, a public out-of-state school or a special education facility owned and operated by a county government unit that provides special educational services required by the child and is in compliance with the appropriate rules and regulations of the State Superintendent of Education, the school district in which the child is a resident shall pay the actual cost of tuition for special education and related services provided during the regular school term and during the summer school term if the child's educational needs so require, excluding room, board and transportation costs charged the child by that non-public school or special education facility, public out-of-state school or $4,500 per year, whichever is less, and shall provide him any necessary transportation. A nonpublic special education facility shall include a residential facility, within or without the State of Illinois, which provides special education and related services to meet the needs of the child by utilizing private schools or public schools, whether located on the site or off the site of the residential facility. The State Board of Education shall promulgate rules and regulations for transportation to and from a residential school. Transportation to and from home to a residential school more than once each school term shall be subject to prior approval by the State Superintendent in accordance with the rules and regulations of the State Board. A school district making tuition payments pursuant to this Section is eligible for reimbursement from the State for the amount of such payments actually made in excess of the district per capita tuition charge for students not receiving special education services. Such reimbursement shall be approved in accordance with Section 14-12.01 and each district shall file its claims, computed in accordance with rules prescribed by the State Board of Education, with the regional superintendent of schools on or before August 1, for approval on forms prescribed by the State Superintendent of Education. Data used as a basis of reimbursement claims shall be for the preceding regular school term and summer school term. The regional superintendent of schools shall approve the claims as to form and transmit the claims to the State Board of Education on or before August 15. The State Board of Education, before approving any such claims, shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval the State Board shall cause vouchers to be prepared showing the amount due the respective regional superintendents, for payment of reimbursement claims to school districts in their regions, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. Payment of such claims shall be transmitted to each district through the respective regional superintendent. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

No child shall be placed in a special education program pursuant to this Section if the tuition cost for special education and related services increases more than 10 per-

cent over the tuition cost for the previous school year or exceeds $4,500 per year unless such costs have been approved by the Governor's Purchased Care Review Board. The Governor's Purchased Care Review Board shall consist of the following persons, or their designees: the Directors of Children and Family Services, Mental Health and Developmental Disabilities, Public Health, Public Aid, Vocational Rehabilitation and the Bureau of the Budget; the State Superintendent of Education; and such other persons as the Governor may designate. The Review Board shall establish rules and regulations for its operations and shall establish uniform standards and criteria which it shall follow.

The Review Board shall establish uniform definitions and criteria for accounting separately by special education, room and board and other related services costs. The Board shall also establish guidelines for the coordination of services and financial assistance provided by all State agencies to assure that no otherwise qualified handicapped child receiving services under Article 14 shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity provided by any State agency.

The Review Board shall review the costs for special education and related services provided by non-public schools or special education facilities and shall approve or disapprove such facilities in accordance with the rules and regulations established by it with respect to allowable costs.

The Review Board may employ staff and contract with independent auditors for such services as may be needed to verify that all fees, tuitions and charges are fair and justified.

The Review Board shall seek the advice of the Advisory Council on Education of Handicapped Children on the rules and regulations to be promulgated by it relative to providing special education services.

If a child has been placed in a program in which the actual cost of tuition for special education and related services excluding room, board and transportation costs, exceed $4,500 and such costs have been approved by the Review Board, the district shall pay such total costs which exceed $4,500. A district making such tuition payments in excess of $4,500 pursuant to this Section shall be responsible for an amount in excess of $4500 equal to the district per capita tuition charge and shall be eligible for reimbursement from the State for the amount of such payments actually made in excess of the districts per capita tuition charge for students not receiving special education services.

If a child has been placed in an approved individual program and the tuition costs including room and board costs have been approved by the Review Board, then such room and board costs shall be paid by the appropriate State agency subject to the provisions of Section 14-8.01 of this Act. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education on a current basis. In no event, however, shall the State's liability for funding of these tuition costs begin until after the legal obligations of third party payors have been subtracted from such costs. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved. Each district shall submit estimated claims to the regional superintend-

The above appointments shall be made within 30 days of the effective date of this amendatory Act.

Except for those members of the Advisory Board who are compensated for State service on a full-time basis, members shall be reimbursed for all actual expenses incurred in the performance of their duties. Each member who is not compensated for State service on a full-time basis shall be compensated at a rate of $50 per day which he spends on Advisory Board duties. The Advisory Board shall meet at least 4 times per year and not more than 12 times per year.

The Advisory Board shall provide for its own organization.

Five members of the Advisory Board shall constitute a quorum. The affirmative vote of a majority of all members of the Advisory Board shall be necessary for any action taken by the Advisory Board.

Added by P.A. 79-966, § 1, eff. Sept. 12, 1975. Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

[1] 20 U.S.C.A. § 1401 et seq.

14-12. § 14-12. Repealed by Laws 1965, p. 1948, eff. July 21, 1965.

14-12.01. Account of expenditures—Cost report—Reimbursement

§ 14-12.01. Account of expenditures—Cost report—Reimbursement. Each school board shall keep an accurate, detailed and separate account of all monies paid out by it for the maintenance of each of the types of facilities, classes and schools authorized by this Article for the instruction and care of pupils attending them and for the cost of their transportation, and shall annually report thereon indicating the cost of each such elementary or high school pupil for the school year ending June 30.

Applications for preapproval for reimbursement for costs of special education must be first submitted through the office of the regional superintendent of schools to the State Superintendent of Education on or before 30 days after a special class or service is started. Applications shall set forth a plan for special education established and maintained in accordance with this Article. Such applications shall be limited to the cost of construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for handicapped children and reimbursement as provided in Section 14-13.01. Such application shall not include the cost of construction or maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services, and other special education services for handicapped children. Reimbursement claims for special education shall be made as follows:

Each district shall file its claim computed in accordance with rules prescribed by the State Board of Education with the regional superintendent of schools, in triplicate, on or before August 1, for approval on forms prescribed by the State Superintendent of Education. Data used as a basis of reimbursement claims shall be for the school year ended on June 30 preceding. The regional superintendent of schools shall check and upon approval provide the State Superintendent of Education with the original and one copy of the claims on or before August 15. The State Superintendent of Education before approving any such claims shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval he shall transmit by September 20 the State report of claims to the State Comptroller showing the amounts due the respective educational service regions for their district reimbursement claims. Beginning with the 1977 fiscal year, the first 3 vouchers shall be prepared by the State Superintendent of Education and transmitted to the Comptroller on the 30th day of September, December and March, respectively, and the final voucher, no later than June 20. If, after preparation and transmittal of the September 30 vouchers, any claim has been redetermined by the State Superintendent of Education, subsequent vouchers shall be adjusted in amount to compensate for any overpayment or underpayment previously made. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

Failure on the part of the school board to prepare and certify the report of claims due under this Section on or before August 1 of any year, and its failure thereafter to prepare and certify such report to the regional superintendent of schools within 10 days after receipt of notice of such delinquency sent to it by the State Superintendent of Education by registered mail, shall constitute a forfeiture by the school district of its right to be reimbursed by the State under this Section.

Amended by P.A. 80-575, § 1, eff. Sept. 12, 1977.

§ 14-13.01 Reimbursement payable by State—Amounts

Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02, shall be paid in accordance with Section 14-12.01 for each school year ending June 30 to the school boards, through the regional superintendent, on the warrant of the State Comptroller out of any money in the treasury appropriated for such purposes, on the presentation of vouchers as prescribed in this Section.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for handicapped children and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for handicapped children.

(a) For eligible physically handicapped children in hospital or home instruction ½ of the teacher's salary but not more than $1,000 annually per child or $6,250 per teacher, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however,

reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14–1.02, ¾ of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29–5. For purposes of this subsection (b), the dates for processing claims specified in Section 29–5 shall apply.

(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of $6,250.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of $6,250. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14–1.09 the annual sum of $6,250.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of $6,250.

(g) For readers, working with blind or partially seeing children ½ of their salary but not more than $400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this Article, ½ of the salary paid or $2,500 annually per employee, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/185 of the amount or rate paid hereunder for each day such school is operated in excess of 185 days per calendar year.

Amended by P.A. 80–1495, § 53, eff. Jan. 8, 1979; P.A. 81–1053, § 1, eff. Jan. 1, 1980; P.A. 81–1083, § 1, eff. Oct. 31, 1979; P.A. 81–1509, Art. I, § 88, eff. Sept. 26, 1980.

Article I of P.A. 81–1509 was the 1980 Combining Revisory Act, which resolved multiple actions of the 81st General Assembly through P.A. 81–1224.

§ 14–13.02 Reimbursement for special education building purposes

For school districts, including school districts which, by proper resolution, are obligated to contribute a proportionate part to a building program authorized under Section 10–22.31b, or under the "Intergovernmental Cooperation Act", as now or hereafter amended,[1] and have levied the tax authorized by Sections 17–2.2a or 19–31 and there remains a shortage of necessary funds for the payment of the district's proportionate share of said building project, a $1,000 reimbursement shall be given for each professional worker in the district.

Such reimbursement shall be paid in accordance with Section 14–12.01 for each school year ending June 30 to the school boards, through the regional superintendent of schools, on the warrant of the State Comptroller out of any money in the treasury appropriated for such purposes, on the presentation of vouchers.

School districts, including school districts which have entered into a joint building program for education of handicapped children as defined in Section 14–1.02 in accordance with Section 10–22.31b, or under the "Intergovernmental Cooperation Act", as now or hereafter amended, which have utilized the tax provided for in Sections 17–2.2a or 19–31, and the grants provided in this Section may when there remains a need for additional funds, apply not more than 50% of the reimbursements made to said district under subsections (a) through (h) of Section 14–13.01 to the completion of such projects for the current year. Districts with a population of 500,000 or more inhabitants shall not be required to levy the tax authorized under Section 17–2.2a in order to qualify under the provisions of this Section. However, such districts must provide proof to the State Board of Education that an equivalent amount of money shall be utilized for such special education building purposes.

No reimbursement shall be made under this Section for the 1978–79 school year and thereafter.

Amended by P.A. 81–1053, § 1, eff. Jan. 1, 1980; P.A. 81–1093, § 1, eff. Oct. 31, 1979; P.A. 81–1509, Art. I, § 88, eff. Sept. 26, 1980.

[1] Chapter 127, ¶ 741 et seq.

Article I of P.A. 81–1509 was the 1980 Combining Revisory Act, which resolved multiple actions of the 81st General Assembly through P.A. 81–1224.

14–14.01. Warrants for reimbursement

§ 14–14.01. Warrants for reimbursement. The State Comptroller shall draw his warrants on the State Treasurer on or before September 30 of each year for the respective sums for reimbursement for special education reported to him on presentation of vouchers approved by the Superintendent of Public Instruction.

Amended by P.A. 78–592, § 43, eff. Oct. 1, 1973.

ARTICLE 14A. GIFTED CHILDREN

Par.
14A–1. Purpose.
14A–2. Gifted children.
14A–3. Supervision of program.
14A–4. Advisory Council.
14A–5. Reimbursement for services and materials.
14A–6. Contracts for area service centers, experimental projects and institutes.
14A–7. Consulting staff.
14A–8. Fellowship program.

Article 14A added by Laws 1963, p. 2392, approved Aug. 5, 1963.

supplemental budget shall be regarded as an amendment of the annual school budget for the fiscal year in which it is adopted, and the board may levy the additional tax for educational or operations, building and maintenance purposes or both to equal the amount of the additional sums of money appropriated in that additional or supplemental budget, immediately.
Amended by P.A. 77-2744, § 1, eff. Oct. 1, 1972.

17-3.3. Failure to submit proposition

§ 17-3.3. Failure to submit proposition. Failure, prior to January 2, 1953, to have adopted a permissible maximum tax rate in full accordance with law for educational purposes above existing legal rates for such purposes through a proposition submitted to the electors of a school district shall not invalidate current tax levies for educational purposes.
Added by P.A. 77-504, § 1, eff. July 28, 1971.

17-4. Increase tax rate for transportation

§ 17-4. Increase tax rate for transportation. The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a proposition to increase the annual tax rate for transportation purposes to be submitted to the voters of such district at a regular scheduled election. The board shall certify the proposition to the proper election authority for submission in accordance with the general election law. The maximum rate for transportation purposes which school boards in such districts may levy shall be .20%, except that if a single elementary district and a secondary district having boundaries that are coterminous on the effective date of this amendatory Act form a community unit district under Section 11-6, then the maximum rate for transportation purposes for such district shall not exceed .40% of the value as equalized or assessed by the Department of Revenue. If at such election a majority of the votes cast on the proposition is in favor thereof the school board may thereafter until such authority is revoked in like manner levy annually the tax so authorized.
Amended by P.A. 76-975, § 1, eff. Aug. 26, 1969; P.A. 81-1489, § 119, eff. Dec. 1, 1980; P.A. 81-1499, § 1, eff. Jan. 1, 1981; P.A. 81-1550, Art. I, § 37, eff. Jan. 8, 1981.

Article I of P.A. 81-1550 was the 2nd 1980 Combining Revisory Act which resolved multiple actions of the 81st General Assembly through P.A. 81-1509.

17-5. Increase tax rates for operations, building and maintenance purposes—Maximum

§ 17-5. Increase tax rates for operations, building and maintenance purposes—Maximum. The school board in any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a proposition to increase the annual tax rate for operations, building and maintenance purposes to be submitted to the voters of the district at a regular scheduled election. The board shall certify the proposition to the proper election authority for submission to the elector in accordance with the general election law. In districts maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for operations, building and maintenance purposes shall not exceed .55%; and in districts maintaining grades 1 through 12, the maximum rates for operations, building and maintenance purposes shall not exceed .75%, except that if a single elementary district and a secondary district having boundaries that are coterminous on the effective date of this amendatory Act form a community unit district as authorized under Section 11-6, the maximum rate for operation, building, and maintenance purposes for such district shall not exceed 1.10% of the value as equalized or assessed by the Department of Revenue; and in such district maintaining grades 1 through 12, funds may, subject to the provisions of Section 17-5.1 accumulate to not more than 5% of the equalized assessed valuation of the district. No such accumulation shall ever be transferred or used for any other purpose. If a majority of the votes cast on the proposition is in favor thereof, the school board may thereafter, until such authority is revoked in like manner, levy annually a tax as authorized.
Amended by P.A. 77-2744, § 1, eff. Oct. 1, 1972; P.A. 81-1489, § 119, eff. Dec. 1, 1980; P.A. 81-1499, § 1, eff. Jan. 1, 1980; P.A. 81-1550, Art. I, § 37, eff. Jan. 8, 1981.

Article I of P.A. 81-1550 was the 2nd 1980 Combining Revisory Act which resolved multiple actions of the 81st General Assembly through P.A. 81-1509.

17-5.1. Referendum for accumulation of operations, building and maintenance funds

§ 17-5.1. Referendum for accumulation of operations, building and maintenance funds. No tax for operations, building and maintenance purposes and the purchase of school grounds as provided in Section 11-9 and no tax for operations, building and maintenance purposes as provided in Section 17-5 shall be levied at a rate sufficient to accumulate funds nor shall funds for such purposes be accumulated as authorized in said sections until the board of education or school board has by resolution ordered the submission of the proposition of accumulating funds for such purpose to the electors of the district at a regular scheduled election and the proposition has been approved by a majority of the electors voting thereon. The board shall certify the proposition to the proper election authorities for submission in accordance with the general election law.

If a majority of the electors voting upon the proposition vote in favor thereof, the board of education or school board may accumulate funds for operations, building and maintenance purposes and the purchase of school grounds or for operations, building and maintenance purposes and may annually levy a tax for such purposes in excess of current requirements but subject to the tax rate limitations for such purposes provided by law.
Amended by P.A. 77-2744, § 1, eff. Oct. 1, 1972; P.A. 81-1489, § 119, eff. Dec. 1, 1980.

17-6. § 17-6. Repealed by Laws 1961, p. 2582, eff. Aug. 1, 1961; Laws 1967, p. 4059, eff. Sept. 7, 1967.

17-7. Payments from tax levied

§ 17-7. Payments from tax levied. Any sum expended or obligations incurred for the improvement, maintenance, repair or benefit of school buildings and property, including the cost of interior decorating and the installation, improvement, repair, replacement and maintenance of building fixtures, for the rental of buildings and property for school purposes, or for the payment of all premiums for insurance upon school buildings and school building fixtures or for the purchase or equipment to be used in the school lunch program shall be paid from the tax levied for operations, building and maintenance purposes and the purchase of school grounds. The board may provide by resolution that the payment of all salaries of janitors, engineers or other custodial employees and all costs of fuel, lights, gas, water, telephone service, and custodial supplies

radiation and its peaceful uses to the State Board of Education. The proposal shall include a statement of the qualifications of the personnel to be assigned to teaching that subject matter and a listing of the educational materials necessary to implement that area of instruction.
Added by P.A. 76-1835, § 1, eff. Oct. 10, 1969. Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

27-25.3. Purchase of materials

§ 27-25.3. Purchase of materials. If the State Board of Education approves the districts' proposed program, that district may then purchase the approved materials and services.
Added by P.A. 76-1835, § 1, eff. Oct. 10, 1969. Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

27-25.4. Contracts for demonstration centers

§ 27-25.4. Contracts for demonstration centers. The State Board of Education may contract with school districts, colleges or universities for the conduct of demonstration centers, experimental projects, workshops and institutes in the field of nuclear education.

Such demonstration centers, experimental projects, workshops and institutes shall be established and conducted under rules and regulations as prescribed by the State Board.

Before entering into such contracts, the State Board shall evaluate proposals for the conduct of such demonstration centers, experimental projects, workshops and institutes as to the soundness of their design, the possibilities of securing productive results, the adequacy of resources to conduct the proposed demonstration center, experimental project, workshop or institute and the relationship to other demonstration centers, experimental projects, workshops or institutes already completed or in progress in the State.
Added by P.A. 76-1835, § 1, eff. Oct. 10, 1969. Amended by P.A. 81-1508, § 13, eff. Sept. 25, 1980.

27-26. Bus safety

§ 27-26. Bus safety. The curriculum in all public schools and in all other educational institutions in this State supported or maintained, in whole or in part, by public funds, which provide instruction in any of the grades from kindergarten through 12, shall include instruction in safe bus riding practices for all students who are transported by bus to or from school or in connection with any school activity. Such instruction shall be given at least twice during each school year and shall include emergency evacuation drills.
Added by P.A. 78-1245, § 1, eff. Sept. 5, 1974.

27-27. Classes categorized by difficulty—Student ranking and records

§ 27-27. When school districts use a system of categorizing classes of instruction by degree of difficulty and issues grades in accordance therewith, identification of said system shall be reflected in the affected students' class ranking and permanent records.
Added by P.A. 81-707, § 1, eff. Jan. 1, 1980.

ARTICLE 28. INSTRUCTIONAL MATERIALS

Article heading amended by P.A. 77-2180, § 1, eff. Oct. 1, 1972.

Par.
28-1. Copies and prices filed—Bond.
28-2. Approval of bond—Duration.
28-3. Lists sent to school authorities by State Board of Education.
28-4. Notice of violations—Proceedings for forfeiture of bond.
28-5. Inducement to teacher or officer forbidden
28-6. Adoption of books by school boards—Record—Change.
28-7. Retail prices of books.
28-8. Purchase by districts for resale at cost.
28-9. Purchase by districts—Designation of agent for sale.
28-10. Purchase from families moving out of district—Resale.
28-11. Penalties.
28-12. Certain districts may print, publish, distribute and sell own textbooks.
28-13. Districts adopting provisions for free textbooks.
28-14. Free textbooks—Referendum—Ballot.
28-15. Textbooks provided and loaned to pupils—Sale to pupils.
28-16. Manner and methods of distribution—Possession by diseased person.
28-17. Rules for care and preservation.
28-18. Boards may jointly carry out law.
28-19. Penalty for demanding or receiving money, promise or thing of value.
28-19.1. Text and instructional materials—Inspections by members of public.
28-20. Instructional materials.

28-1. Copies and prices filed—Bond

§ 28-1. Copies and prices filed—Bond. No person shall offer any school instructional materials for adoption, sale or exchange in the State until he has complied with the following conditions:

1. He shall file with the State Board of Education, annually, by July 15, a sworn statement of the usual list price, the lowest net wholesale price, and the lowest net exchange price at which the material is sold or exchanged for old material on the same subject of like grade and kind but of a different series taken in part payment thereof.

2. He shall file with the State Board of Education a bond payable to the People of the State of Illinois with a surety company authorized to do business in the State of Illinois as surety thereon, in a penal sum to be determined by the State Board of Education, not less than $2000 nor more than $10,000 conditioned as follows:

(a) That he will furnish annually any of the materials listed in any annual statement filed by him to any school district and any school corporation in this State at the lowest net prices contained in the statements and that he will maintain said prices uniformly throughout the State.

(b) That he will reduce such net prices in Illinois whenever they are reduced elsewhere in the United States, and that he will file with the State Board of Education a sworn

Whoever violates any of the provisions of the foregoing sections of this Article, except those of Sections 28-7 and 28-9, shall be guilty of a Class B misdemeanor.
Amended by P.A. 77-2267, § 1, eff. Jan. 1, 1973.

28-12. Certain districts may print, publish, distribute and sell own textbooks

§ 28-12. Certain districts may print, publish, distribute and sell own textbooks. This Article does not prohibit any school district, comprised of a city having a population exceeding 100,000 from printing, publishing, distributing, or selling its own textbooks.

28-13. Districts adopting provisions for free textbooks

§ 28-13. Districts adopting provisions for free textbooks. The foregoing sections of this Article do not apply to school boards and school districts that have adopted the subsequent provisions of this Article.

28-14. Free textbooks—Referendum—Ballot

§ 28-14. Free textbooks—Referendum—Ballot. Any school board may, and whenever petitioned so to do by 5% or more of the voters of such district shall order submitted to the voters thereof at a regular scheduled election the question of furnishing free school textbooks for the use of pupils attending the public schools of the district, and the secretary shall certify the proposition to the proper election authorities for submission in accordance with the general election law. The proposition shall be in substantially the following form:

FOR furnishing free textbooks in the public schools.	
AGAINST furnishing free textbooks in the public schools.	

If a majority of the votes cast upon the proposition is in favor of furnishing free textbooks, the governing body shall provide, furnish and sell them as provided in Section 28-15, but no such books shall be sold until at least 1 year after the election. The furnishing of free textbooks when so adopted shall not be discontinued within 4 years, and thereafter only by a vote of the voters of the district upon the same conditions and in substantially the same manner as the vote for the adoption of free textbooks. No textbook furnished under the provisions of this Article shall contain any denominational or sectarian matter.
Amended by P.A. 81-1489, § 119, eff. Sept. 25, 1980.

28-15. Textbooks provided and loaned to pupils—Sale to pupils

§ 28-15. Textbooks provided and loaned to pupils—Sale to pupils. The governing body of every school district having voted in favor of furnishing free textbooks under the provisions of Sections 28-14 through 28-19 shall provide, at the expense of the district, textbooks for use in the public schools and loan them free to the pupils. The textbooks so furnished shall remain the property of the school district. The governing body shall also provide for the sale of such textbooks at cost to pupils of the schools in the district wishing to purchase them for their own use.

28-16. Manner and methods of distribution—Possession by diseased person

§ 28-16. Manner and methods of distribution—Possession by diseased person. The distribution of all free textbooks under Sections 28-14 through 28-19 shall be made in such manner and by such methods as the school boards determine. No books shall be distributed which have been in the possession of any person having a contagious or infectious disease.

28-17. Rules for care and preservation

§ 28-17. Rules for care and preservation. The governing body of each district shall make such rules as it deems proper for the care and preservation of textbooks so furnished at public expense.

28-18. Boards may jointly carry out law

§ 28-18. Boards may jointly carry out law. School boards of two or more districts may jointly carry out the provisions of Sections 28-14 through 28-19.

28-19. Penalty for demanding or receiving money, promise or thing of value

§ 28-19. Penalty for demanding or receiving money, promise or thing of value. Whoever directly or indirectly, demands or receives any money, promise or thing of value from any pupil, parent, guardian or caretaker of a pupil for any book provided in this Article, except as provided in Section 28-15 shall be guilty of a Class B misdemeanor.
Amended by P.A. 77-2267, § 1, eff. Jan. 1, 1973.

28-19.1. Text and instructional materials—Inspections by members of public

§ 28-19.1. Any member of the public may inspect all text and instructional material used in the public schools.
Added by P.A. 81-625, § 1, eff. Jan. 1, 1980.

28-20. Instructional materials

§ 28-20. Instructional materials. For purposes of this Act the term instructional materials shall mean both print and non-print materials that are used in the educational process.
Added by P.A. 77-2180, § 1, eff. Oct. 1, 1972.

ARTICLE 29. TRANSPORTATION

Par.
29-1. Free transportation of pupils.
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29-3. Transportation in school districts.
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Par.
29-6.1. Contracts for transportation.
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29-16. Rental of buses to provide transportation pursuant to Downstate Public Transportation Act.

29-1. Free transportation of pupils

§ 29-1. Free transportation of pupils. School boards may provide free transportation for pupils, as prescribed in Section 10-22.22.

29-2. Transportation of pupils less than one and one-half miles from school

§ 29-2. Transportation of pupils less than one and one-half miles from school. School boards may provide transportation for pupils living less than one and one-half miles as measured by the customary route of travel from the school attended and may make a charge for such transportation in an amount of not to exceed the cost thereof, which shall include a reasonable allowance for depreciation of the vehicles so used.

29-3. Transportation in school districts

§ 29-3. Transportation in school districts. School boards of community consolidated districts, community unit districts, consolidated districts and consolidated high school districts shall provide free transportation for pupils residing at a distance of one and one-half miles or more from any school to which they are assigned for attendance maintained within the district except for those pupils for whom the school board shall certify to the State Board of Education that adequate transportation for the public is available.

For the purpose of this Act 1½ miles distance shall be from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the school attended; such distance shall be measured by determining the shortest distance on normally traveled roads or streets.

Such school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point.

For the purposes of this Act "adequate transportation for the public" shall be assumed to exist for such pupils as can reach school by walking, one way, along normally traveled roads or streets, less than 1½ miles irrespective of the distance the pupil is transported by public transportation.

In addition to the other requirements of this Section, each school board may provide free transportation for any pupil residing within 1½ miles from the school attended where conditions are such that walking constitutes a serious hazard to the safety of the pupil due to vehicular traffic. Such transportation shall not be provided if adequate transportation for the public is available.

The determination as to what constitutes a serious safety hazard shall be made by the school board, in accordance with guidelines promulgated by the Illinois Department of Transportation, in consultation with the State Superintendent of Education. The Department of Transportation shall review the findings of the school board and shall approve or disapprove the school board's determination that a serious safety hazard exists within 30 days after the school board submits its findings to the Department. The school board shall annually review the conditions and certify to the State Superintendent of Education whether or not the hazardous conditions remain unchanged. The State Superintendent of Education may request that the Illinois Department of Transportation verify that the conditions have not changed. No action shall lie against the school board, the State Superintendent of Education or the Illinois Department of Transportation for decisions made in accordance with this Section. The provisions of the "Administrative Review Act", approved May 8, 1945 [1] and all amendments and modifications thereof and the rules adopted pursuant thereto shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the Department of Transportation under this Section.

Amended by P.A. 81-762, § 1, eff. Jan. 1, 1980; P.A. 81-1508, § 13, eff. Sept. 25, 1980.

[1] Chapter 110, ¶ 264 et seq.

Final legislative action, 81st General Assembly:
P.A. 81-762 - June 23, 1979
P.A. 81-1508 - June 27, 1980

See Ill.Rev.Stat. ch. 1, ¶ 1105 as to the effect of (1) more than one amendment of a section at the same session of the General Assembly or (2) two or more acts relating to the same subject matter enacted by the same General Assembly.

29-3.1. Transportation to and from school sponsored activities

§ 29-3.1. Transportation to and from School Sponsored Activities. The school board of any school district that provides transportation for pupils to and from the school attended may provide transportation for pupils to and from any school sponsored activities in which pupils of the district participate, whether during the school year or not, and shall make a charge for such transportation in an amount not to exceed the cost thereof, which shall include a reasonable allowance for depreciation of the vehicles so used. The school board may provide transportation for pupils on bona fide field trips in Illinois or adjacent states.

Amended by Laws 1968, p. 425, eff. Sept. 6, 1968.

29-3.2. Transportation to and from activities of private schools

§ 29-3.2. Transportation to and from Activities of Private Schools. The school board of any school district that provides transportation for pupils to and from the public schools may, by agreement with the officials of a non-public school, provide transportation, at times when the buses or other conveyances are not needed for public school student transportation, for students attending the non-public school to and from activities sponsored by that school. Such a school board providing transportation under this Section shall make a charge for furnishing that transportation in an amount not less than the cost thereof, including a reasonable allowance for the depreciation of each vehicle used in that transportation.

Added by Laws 1967, p. 1228, eff. July 7, 1967.

29-3.2a. Transportation to and from summer school sessions

§ 29-3.2a. Transportation to and from summer school sessions. The school board of any school district that provides transportation for pupils to and from the school attended may provide transportation for pupils to and from school during that period of the calendar year not embraced with the regular school term in which courses are taught for any pupils of the district who might participate, and may make a charge for such transportation in an amount not to exceed the cost thereof, which may include a reasonable allowance for depreciation of the vehicles so used; provided no charge shall be made for transportation of the types of children defined in Sections 14-1.02 through 14-1.07 of this Act and school boards providing such transportation shall be reimbursed pursuant to Section 14-13.01 of this Act.

Amended by P.A. 79-203, § 1, eff. July 13, 1975.

29-3.3. Transportation for pupils of other districts

§ 29-3.3. Transportation for pupils of other districts. The school board of any school district that provides transportation for pupils to and from the public schools may, pursuant to agreement with the school board of any other school district, provide transportation for pupils of that district to and from activities sponsored by any public school in that district, at times when buses or other conveyances used in such transportation are not needed for transporting pupils of the school district so providing that transportation. In providing such transportation for pupils of another district, the school board shall charge an amount not less than the cost of furnishing that transportation, including a reasonable allowance for depreciation on each vehicle so used.

Added by Laws 1967, p. 3480, eff. Aug. 31, 1967.

29-3.4. Transportation for recreational, cultural, educational and public service programs

§ 29-3.4. Transportation for recreational, cultural, educational, and public service programs. The school board of any school district may provide transportation services to children participating in or adults who are attending organized recreational, cultural, educational, and public service programs. The school board shall make a charge for such transportation in an amount equal to the cost thereof, which shall include a reasonable allowance for insurance premiums and depreciation of the vehicles so used. This Section shall not apply if such transportation services are offered by any public or private mass transit system engaged in the business of transporting people within the county or counties in which the school district is located in whole or in part and if such transit system has received or will receive funds provided by the "Mass Transportation Emergency Operating Assistance Act of 1973", adopted by the 78th General Assembly,[1] or which receives or will receive funds from any other enactment of the General Assembly or from any unit of local government.

Amended by P.A. 79-506, § 1, eff. Oct. 1, 1975.

[1] P.A. 78-2 (repealed).

29-3.5. Other use of school buses

§ 29-3.5. Other use of school buses. The school board of any school district may provide transportation services to any non-profit organization for recreational, cultural, educational, and public service programs operated by the organization for the benefit of its members. Transportation shall be provided to non-profit organizations during times when the vehicles used are not needed for the transportation of students between school and their homes. The school board shall make a charge for such transportation in an amount equal to the cost thereof, which shall include a reasonable allowance for depreciation of the vehicles used. The school board is authorized to enter into contracts, leases, or agreements covering the use of transportation by non-profit organizations. The school board shall add to the charges made for the use of transportation a reasonable amount to cover any increase in insurance premiums incident to the use of transportation by the organization. Nothing in this Section shall be construed to terminate, either permanently or temporarily, the status of the vehicles used by the organization as school buses.

Nothing in this Section shall be construed to permit any school district to provide transportation services in competition with any mass transit carrier.

Added by P.A. 79-656, § 1, eff. Oct. 1, 1975.

29-4. Pupils attending other than a public school

§ 29-4. Pupils attending other than a public school. The school board of any school district that provides any school bus or conveyance for transporting pupils to and from the public schools shall afford transportation, without cost, for children who attend any school other than a public school, who reside at least 1½ miles from the school attended, and who reside on or along the highway constituting the regular route of such public school bus or conveyance, such transportation to extend from some point on the regular route nearest or most easily accessible to their homes to and from the school attended, or to or from a point on such regular route which is nearest or most easily accessible to the school attended by such children. Nothing herein shall be construed to prevent high school districts from transporting public or non-public elementary school pupils on a regular route where deemed appropriate. The elementary district in which such pupils reside shall enter into a contractual agreement with the high school district providing the service, make payments accordingly, and make claims to the State in the amount of such contractual payments. The person in charge of any school other than a public school shall certify on a form to be provided by the State Superintendent of Education, the names and addresses of pupils transported and when such pupils were in attendance at the school. If any such children reside within 1½ miles from the school attended, the school board shall afford such transportation to such children on the same basis as it provides transportation for its own pupils residing within that distance from the school attended.

Nothing herein shall be construed to preclude a school district from operating separate regular bus routes, subject to the limitations of this Section, for the benefit of children who attend any school other than a public school where the operation of such routes is safer, more economical and more efficient than if such school district were precluded from operating separate regular bus routes.

If a school district is required by this Section to afford transportation without cost for any child who is not a resident of the district, the school district providing such transportation is entitled to reimbursement from the school district in which the child resides for the cost of furnishing

that transportation, including a reasonable allowance for depreciation on each vehicle so used. The school district where the child resides shall reimburse the district providing the transportation for such costs, by the 10th of each month or on such less frequent schedule as may be agreed to by the 2 school districts.

Amended by P.A. 80-1330, § 1, eff. Jan. 1, 1979; P.A. 80-1475, § 1, eff. Jan. 1, 1979; P.A. 80-1494, § 9, eff. Jan. 8, 1979; P.A. 81-1050, Art. II, § 14, eff. Sept. 24, 1979.

29-5. Reimbursement by State for transportation

§ 29-5. Reimbursement by State for transportation. Any school district, maintaining a school, transporting resident pupils to another school district's vocational program, offered through a joint agreement approved by the State Board of Education, as provided in Section 10-22.22 or transporting its resident pupils to a school which meets the standards for recognition as established by the State Board of Education which provides transportation meeting the standards of safety, comfort, convenience, efficiency and operation prescribed by the State Board of Education for resident pupils in kindergarten or any of grades 1 through 12 who: (a) reside at least 1½ miles as measured by the customary route of travel, from the school attended; or (b) reside in areas where conditions are such that walking constitutes a hazard to the safety of the child when determined under Section 29-3; and (c) are transported to the school attended from pick-up points at the beginning of the school day and back again at the close of the school day or transported to and from their assigned attendance centers during the school day, shall be reimbursed by the State as hereinafter provided in this Section.

The State will pay the cost of transporting eligible pupils less the assessed valuation in a dual school district maintaining secondary grades 9 to 12 inclusive times a qualifying rate of .05%; in elementary school districts maintaining grades K to 8 times a qualifying rate of .06%; in unit districts maintaining grades K to 12 times a qualifying rate of .07%. To be eligible to receive reimbursement in excess of ⅓ of the cost to transport eligible pupils, a school district shall have a Transportation Fund tax rate of at least .12%. If a school district does not have a .12% Transportation Fund tax rate, the amount of its claim in excess of ⅓ of the cost of transporting pupils shall be reduced by the sum arrived at by subtracting the Transportation Fund tax rate from .12% and multiplying that amount by the districts equalized or assessed valuation, provided, that in no case shall said reduction result in reimbursement of less than ⅓ of the cost to transport eligible pupils.

The minimum amount to be received by a district is $16 times the number of eligible pupils transported.

Any such district transporting resident pupils during the school day to an area vocational school or another school district's vocational program more than 1½ miles from the school attended, as provided in Sections 10-22.20a and 10-22.22, shall be reimbursed by the State for ⅓ of the cost of transporting eligible pupils.

School day means that period of time which the pupil is required to be in attendance for instructional purposes.

If a pupil is at a location within the school district other than his residence for child care purposes at the time for transportation to school, that location may be considered for purposes of determining the 1½ miles from the school attended.

Claims for reimbursement that include children who attend any school other than a public school shall show the number of such children transported.

Claims for reimbursement under this Section shall not be paid for the transportation of pupils for whom transportation costs are claimed for payment under other Sections of this Act.

The allowable direct cost of transporting pupils for regular, vocational, and special education pupil transportation shall be limited to the sum of the cost of physical examinations required for employment as a school bus driver; the salaries of full or part-time drivers and school bus maintenance personnel; employee benefits excluding Illinois municipal retirement payments, social security payments, unemployment insurance payments and workers' compensation insurance premiums; expenditures to independent carriers who operate school buses; payments to other school districts for pupil transportation services; pre-approved contractual expenditures for computerized bus scheduling; the cost of gasoline, oil, tires, and other supplies necessary for the operation of school buses; the cost of travel to meetings and workshops conducted by the regional superintendent or the State Superintendent of Education designed to improve the driving skills of school bus drivers; the cost of maintenance of school buses including parts and materials used; expenditures for leasing transportation vehicles, except interest and service charges; the cost of insurance and licenses for transportation vehicles; expenditures for the rental of transportation equipment; plus a depreciation allowance of 15% for 6⅔ years for school buses and vehicles approved for transporting pupils to and from school and a depreciation allowance of 10% for 10 years for other transportation equipment so used.

Special education allowable costs shall also include expenditures for the salaries of attendants or aides for that portion of the time they assist special education pupils while in transit and expenditures for parents and public carriers for transporting special education pupils when pre-approved by the State Superintendent of Education.

Indirect allowable costs shall be computed by multiplying the total direct allowable costs, less expenditures to parents, public or independent carriers, times the district's restricted indirect cost rate for federal programs not to exceed 2.5%.

The State Board of Education shall prescribe uniform regulations for determining the above standards and shall prescribe forms of cost accounting and standards of determining reasonable depreciation. Such depreciation shall include the cost of equipping school buses with the safety features required by law or by the rules, regulations and standards promulgated by the State Board of Education, and the Department of Transportation for the safety and construction of school buses provided, however, any equipment cost reimbursed by the Department of Transportation for equipping school buses with such safety equipment shall be deducted from the allowable cost in the computation of reimbursement under this Section in the same percentage as the cost of the equipment is depreciated.

On or before July 10, annually, the board clerk or the secretary of the district shall certify to the regional superintendent of schools upon forms prescribed by the State Superintendent of Education the district's claim for reimbursement for the school year ended on June 30 next

preceding. The regional superintendent of schools shall check all transportation claims to ascertain compliance with the prescribed standards and upon his approval shall certify not later than July 25 to the State Superintendent of Education the regional report of claims for reimbursements. The State Superintendent of Education shall check and upon approval shall transmit by September 15 the state report of claims to the State Comptroller and prepare the vouchers showing the amounts due respective educational service regions for their district reimbursement claims. Beginning with the 1977 fiscal year, the State Superintendent of Education shall prepare and transmit the first 3 vouchers to the Comptroller on the 30th day of September, December and March, respectively, and the final voucher, no later than June 15.

If the amount appropriated for transportation reimbursement for any year is insufficient it shall be apportioned on the basis of the claims approved.

Amended by P.A. 81-762, § 1, eff. Jan. 1, 1980; P.A. 81-1083, § 1, eff. Oct. 31, 1979; P.A. 81-1499, § 1, eff. Jan. 1, 1981; P.A. 81-1509, Art. I, § 88, eff. Sept. 26, 1980.

P.A. 81-1499 substituted "and (c)" for "and" in the first paragraph, and in the ninth paragraph substituted "excluding" for "including unemployment compensation insurance payments but not including" in the first sentence, and in the second sentence substituted "unemployment insurance payments and workers'" for "workmen's".

Article I of P.A. 81-1509 was the 1980 Combining Revisory Act, which resolved multiple actions of the 81st General Assembly through P.A. 81-1224. Final legislative action, 81st General Assembly:

P.A. 81-1499 - June 29, 1980

P.A. 81-1509 - June 30, 1980

See Ill.Rev.Stat. ch. 1, ¶ 1105 as to the effect of (1) more than one amendment of a section at the same session of the General Assembly or (2) two or more acts relating to the same subject matter enacted by the same General Assembly.

29-5.1. Transportation evaluation

§ 29-5.1. Transportation evaluation. The State Board of Education is directed to evaluate the fiscal efficiency and effectiveness of regular and vocational pupil transportation services provided under this Article and special education transportation services provided under Article 14 of this Act[1] and to report its findings and recommendations to the General Assembly by January 14, 1981.

Added by P.A. 81-1177, § 1, eff. Nov. 29, 1979.

[1] Paragraph 14-1.01 et seq. of this chapter.

Repeal

This paragraph is repealed as of June 30, 1981, by P.A. 81-1177, § 2, eff. Nov. 29, 1979.

29-6. Inter-district contracts for transportation

§ 29-6. Inter-district contracts for transportation. Any school district, including any non-high school district, may contract at actual cost with 1 or more school districts for the transportation of pupils to and from the school attended.

Amended by P.A. 78-1245, § 1, eff. Sept. 5, 1974.

29-6.1. Contracts for transportation

§ 29-6.1. Contracts for transportation. School boards may enter into 1, 2 or 3 year contracts for transportation of pupils to and from school.

Added by P.A. 78-1245, § 1, eff. Sept. 5, 1974.

29-6.2. Evaluation of contracts for pupil transportation

§ 29-6.2. Evaluation of contracts for pupil transportation. The State Board of Education is directed to obtain and analyze contracts between private carriers and school districts for transportation of pupils and to develop cost standards for such contracts on the basis of such analysis. A report of such analysis and cost standards shall be submitted to the General Assembly by January 14, 1981.

Added by P.A. 81-1177, § 1, eff. Nov. 29, 1979.

Repeal

This paragraph is repealed as of June 30, 1981, by P.A. 81-1177, § 2, eff. Nov. 29, 1979.

29-7, 29-8. §§ 29-7, 29-8. Repealed by P.A. 78-1244, § 3, eff. Sept. 5, 1974; P.A. 78-1297, § 59, eff. March 4, 1975.

29-8.1. § 29-8.1. Repealed by P.A. 78-1244, § 3, eff. Sept. 5, 1974.

29-9. Liability insurance

§ 29-9. Liability insurance. Any school district, including any non-high school district, which provides transportation for pupils shall insure against any loss or liability of such district, its agents or employees, resulting from or incident to the ownership, maintenance or use of any school bus. Such insurance shall be carried only in companies duly licensed and authorized to write such coverage in this State and in compliance with the provisions of Section 12-707 of "The Illinois Vehicle Code", approved September 29, 1969, as now or hereafter amended.[1]

Amended by P.A. 78-310, § 1, eff. Aug. 13, 1973.

[1] Chapter 95½, ¶ 12-707.

29-10 to 29-14. §§ 29-10 to 29-14. Repealed by P.A. 78-1244, § 3, eff. Sept. 5, 1974; P.A. 78-1297, § 59, eff. March 4, 1975.

29-15. Sale or lease of buses to mass transit district or urban transportation district—Contracts for transportation

§ 29-15. Subject to the provisions of Section 10-22.8 of this Act, school districts, which own buses or other vehicular equipment for the transportation of pupils to or from school within such district, may sell or lease such buses or equipment to a Mass Transit District organized under the Local Mass Transit District Act or to an Urban Transportation District organized under the Urban Transportation District Act. Such districts may contract with a Mass Transit District or an Urban Transportation District for the transportation of pupils to and from the schools of such districts at a consideration to be determined by negotiation between the parties. Such contracts shall otherwise be subject to the provisions of this Article.

Added by P.A. 77-1492, § 1, eff. Sept. 8, 1971.

29-16. Rental of buses to provide transportation pursuant to Downstate Public Transportation Act

§ 29-16. The school board of any school district which owns buses or other vehicular equipment for the transportation of pupils may rent such buses or equipment to the county board of any county in which it is situated to provide public transportation services pursuant to the "Downstate Public Transportation Act".[1] The school

and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the control of the board. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in guidelines promulgated by the Board of Education of the City of Chicago in consultation with the Illinois High School Association;

2. To furnish lunches to pupils and make a reasonable charge therefor; also to use school funds for the payment of such expenses as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the board may prescribe;

7. To divide the city into sub-districts and apportion the pupils to the several schools, but no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall, as soon as practicable, and from time to time thereafter, change or revise existing sub-districts or create new sub-districts in a manner which will take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of sub-districts shall be open to the public. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

8. Subject to the limitations in this Article, to prescribe the course and methods of study in the various schools and employ teachers and other educational employees and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education;

9. To employ non-teaching personnel or utilize volunteer personnel for non-teaching duties not requiring instructional judgment or evaluation of pupils. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities. The teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

10. To provide television studio facilities in not to exceed one school building and to provide programs for educational purposes, provided, however, that the board shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed one school radio transmitting station and provide programs for educational purposes;

11. To offer, if deemed appropriate, outdoor education courses, including field trips within the State of Illinois, or adjacent states, and to use school educational funds for the expense of the said outdoor educational programs, whether within the school district or not;

12. During that period of the calendar year not embraced within the regular school term to provide and conduct courses in subject matters normally embraced in the program of the schools during the regular school term and to give regular school credit for satisfactory completion by the student of such courses as may be approved for credit by the State Board of Education.

13. To insure against any loss or liability of the board or of any officer, agent or employee thereof, resulting from alleged violations of civil rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act or omission of any such person whether occurring within or without the school premises, provided the officer, agent or employee was, at the time of the alleged violation of civil rights or wrongful act or omission, acting within the scope of his employment or under direction of the board; and to provide for or participate in insurance plans for its officers and employees, including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts as may be determined by the board; provided, however, that the board shall contract for such insurance only with an insurance company authorized to do business in this State. Such insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination;

14. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of "The Illinois Vehicle Code", approved September 29, 1969, as amended.[1]

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the provisions of this Code which apply to all school districts.

APPENDIX B

SURVEY OF STUDENT TRANSPORTATION
IN OTHER STATES

State	Mandatory	Not Mandatory	Age/Grade Distance Transported
Alabama	X		2 miles
Arizona		X	K-8 1 mile 9-12 1 1/2 miles
Arkansas		X	2 miles K-3 3/4 mile 4-8 1 mile 9-12 2 miles
California		X	K-3 3/4 mile 4-8 1 mile 9-12 2 miles
Colorado		X	
Connecticut	X		K-8 1 mile 9-12 1 1/2 miles
Delaware		X	K-6 1 mile 7-12 2 miles
Washington, D.C.		X	
Florida	X		2 miles
Georgia	X		5-21 2 miles
Idaho		X	1 1/2 miles
Illinois	X		1 1/2 miles
Indiana		X	
Iowa	X		K-8 2 miles 9-12 3 miles
Kansas	X		2 1/2 miles
Kentucky		X	1 mile
Louisiana	X		
Maine	X		

Maryland	X		K 1/2 mile 1-8 1 mile 9-12 1 1/2 miles
Massachusetts	X		2 miles
Michigan		X	K-12 1 1/2 miles
Minnesota	X		K-8 1 1/2 miles 9-12 2 miles
Mississippi	X		1 mile
Missouri	X		3 1/2 miles
Montana	X		3 miles
Nebraska	X		4 miles or more (in some instances)
Nevada		X	1 mile
New Hampshire	X		K-8 1 1/2 miles
New Jersey	X		2 miles
New Mexico	X		K-6 1 mile 7-9 1 1/2 miles 10-12 2 miles
New York	X		K-8 2 miles 9-12 3 miles
North Carolina	X		K-12 1 1/2 miles
North Dakota		X	K-12 1 1/2 miles
Ohio	X		K-8 2 miles
Oklahoma	X		1/2 mile
Oregon		X	7-10 1 1/2 miles
Pennsylvania		X	K-8 1 1/2 miles
Rhode Island		X	
South Carolina	X		1 1/2 miles
South Dakota	X		K-8 2 1/2 miles
Tennessee		X	1 1/2 miles
Texas		X	

Utah	X		K-3 1 mile 4-6 1 1/2 miles 7-12 2 miles
Vermont		X	
Virginia		X	
Washington		X	1 mile
West Virginia		X	2 miles
Wisconsin	X		2 miles
Wyoming		X	

APPENDIX C

COMPARATIVE SAFETY OF SCHOOL BUS TRANSPORTATION

FATALITY RATE (PER 100 MILLION VEHICLE MILES) (as of 2/83)

	1975	1976	1977	1978	1979	1980	1981
TOTAL	3.4	3.2	3.3	3.3	3.3	3.4	3.2
PASSENGER CAR OCCUPANTS	2.5	2.4	2.4	2.4	2.4	2.5	2.4
MOTORCYCLE OCCUPANTS	14.3	14.8	18.2	19.7	22.2	28.6	27.1
BUS OCCUPANTS	1.0	1.3	0.7	0.7	0.6	0.7	0.9
SCHOOL BUS OCCUPANTS	0.6	0.7	0.5	0.6	0.6	0.5	0.4
TRUCK OCCUPANTS	2.1	2.1	2.2	2.3	2.4	2.1	1.8
SINGLE UNIT TRUCK OCCUPANTS	2.3	2.3	2.3	2.5	2.6	2.1	1.8
COMBINATION TRUCK OCCUPANTS	1.2	1.4	1.4	1.4	1.5	1.5	1.5

SOURCE: Center for Statistics and Analysis, NHTSA

APPENDIX D

TRANSPORTATION REIMBURSEMENT FORMULA

The state reimburses the "allowable cost" of transporting "eligible pupils" less a qualifying amount (the district's equalized assessed valuation multiplied by a qualifying tax rate of .06% in elementary districts, .05% in high school districts and .07% in unit districts). The claim for a district is the amount computed in the formula, or $16 multiplied by the average daily membership of eligible transported pupils, whichever is greater. If the claim amount, as computed by the formula, exceeds four-fifths of the cost to transport eligible pupils, then those districts with a transportation fund tax rate less than .12% shall have their claim reduced. The amount of reduction is computed by subtracting the respective district's transportation tax rate from .12% and multiplying the difference by the district's equalized assessed valuation. This reduction cannot, however, decrease the reimbursement below the four-fifths level for those districts whose claim computation is 80% or more of the allowable cost.

The law provides that the State Board of Education shall, if necessary, adjust each school district's pupil transportation allowable cost to conform to the annual appropriation.

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